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FILED
AUG 18 2021
DEPARTMENT OF REAL ESTATE
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 DERRICK KWASHI D'ACOLATSE,)
13 Respondent.)
14)

No. H- 12550 SF
ACCUSATION

15 The Complainant, STEPHANIE YEE, a Supervising Special Investigator of the
16 State of California, for Accusation against Respondent DERRICK KWASHI D'ACOLATSE,
17 aka DERRICK KWASHI MCQUADE, aka DERRICK KWASHI ACOLATSE
18 (RESPONDENT), is informed and alleges as follows:

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20 The Complainant makes this Accusation against RESPONDENT in her official
21 capacity.

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23 RESPONDENT is presently licensed and/or has license rights with the
24 Department of Real Estate (Department) under the California Business and Professions Code
25 (Code) as a real estate broker and does business as "Legacy Property Group" and "Legacy
26 Property Management of Silicon Valley."

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At all times herein mentioned, RESPONDENT engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation. RESPONDENT leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase, or exchange of leases on real property, or on a business opportunity, or collected rents from tenants.

Beginning on February 21, 2020, and continuing intermittently through October 29, 2020, an audit was conducted at the Department's Oakland District office located on 1515 Clay Street, #702, Oakland, California 94612, where the auditor examined records for the period of February 1, 2019 through January 31, 2020 (the audit period).

While acting as a real estate broker as described in Paragraph 3, above, and within the audit period, RESPONDENT accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by RESPONDENT, at MUFG Union Bank, NA, 4291 El Camino Real, Palo Alto, California 94036, as described below:

BANK ACCOUNT #1	
Account No.:	XXXXXX7598
Entitled:	McQuade Derrick DBA Legacy Property Group

and thereafter from time to time made disbursement of said trust funds.

In the course of the activities described in Paragraph 3, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) RESPONDENT failed to designate Bank Account #1 as a trust account as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations);
- (b) During an accountability performed on Bank Account #1, and as of December 31, 2019, a shortage of \$852,213.20 was revealed, in violation of Section 10145 of the Code;
- (c) RESPONDENT failed to obtain written permission from owners of trust funds in Bank Account #1 to allow the balance to drop below accountability, in violation of Section 2832.1 of the Regulations;
- (d) RESPONDENT failed to perform monthly reconciliations of the separate beneficiary records and control records for Bank Account #1 or Trust Account #1, as required by Section 2831.2 of the Regulations;
- (e) RESPONDENT failed to register a branch office located at 2391 Zanker Road, #300, San Jose, California 95131 as required by Section 10163 of the Code; and
- (f) RESPONDENT failed to properly supervise the licensed activities of his staff as required by Section 2725 of the Regulations.

The acts and/or omissions described above constitute violations of Sections 2725 (broker supervision), 2831.2 (monthly reconciliations), 2832 (trust fund designation), and 2832.1 (written permission balance below accountability) of the Regulations and of Sections 10145 (trust fund handling) and 10163 (branch office) of the Code and are grounds for discipline under Section 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

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Audit Costs

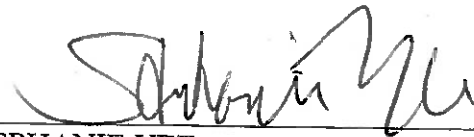
The acts and/or omissions of RESPONDENT as alleged above, entitle the Department to reimbursement of the costs of its audits pursuant to Section 10148(b) (audit costs for trust fund handling violations) of the Code.

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Costs of Investigation and Enforcement

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that, upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



STEPHANIE YEE
Supervising Special Investigator

Dated at Sacramento, California,
this 6th day of August, 2021.

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DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.

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