

**FILED**

**MAR 07 2022**

**DEPARTMENT OF REAL ESTATE**  
By Py dew

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: )  
12 NITEEN N. SHARMA, ) No. H-12575 SF  
13 Respondent. ) ACCUSATION  
14 \_\_\_\_\_ )

15 The Complainant, STEPHANIE YEE, in her official capacity as a Supervising  
16 Special Investigator of the State of California, Department of Real Estate (“Department”), brings  
17 this Accusation against NITEEN N. SHARMA, (“Respondent”), and is informed and alleges as  
18 follows:

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20 Respondent is presently licensed by the Department and/or has license rights under  
21 the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code  
22 (“Code”), as real estate broker, License No. 01322352.

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24 At all relevant times, Respondent held a Nationwide Mortgage Licensing System  
25 and Registry (“NMLS”) endorsement from the Department, NMLS Id. No. 1070881.

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At all relevant times, Respondent was doing business under the fictitious business name of Matrix Real Estate (“MRA”). MRA is licensed under Respondent’s real estate broker license.

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At all relevant times, MRA held an NMLS endorsement from the Department, NMLS Id. No. 1088016

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At all relevant times, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate licensees 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, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

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On or about September 24, 2020, the Department received a consumer complaint from Chelsea R. against Respondent prompting the Department’s investigation. The complaint alleged that Respondent commingled funds and transferred trust funds from his rentals to his trucking account to cover expenses.

**FIRST CAUSE OF ACTION**  
**(Audit Violations)**

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Each and every allegation made in Paragraphs 1 through 6, inclusive, is incorporated by reference as if fully set forth herein.

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In February 2020, the Department conducted an audit of the real estate activities of Respondent located at 177 Johnson Street, Windsor, CA 95492. The Department’s auditor examined the business records of Respondent for the period of January 1, 2019, through March 31, 2021, (“audit period”).

While engaging in the real estate activities described above in Paragraph 5 and within the audit period, Respondent accepted or received funds in trust (“trust funds”) and deposited or caused the trust funds to be deposited into the following accounts:

**Trust Account #1:**

Bank Name: Wells Fargo Bank  
8844 Lakewood Drive  
Windsor, CA 95492  
Account No.: Last 4 Digits: 6087  
Account Name: Niteen Sharma  
DBA Matrix Real Estate  
Real Estate Trust Account  
Signatories: Niteen Sharma  
Description: Hold owner funds for property management.

**Trust Account #2:**

Bank Name: Wells Fargo Bank  
8844 Lakewood Drive  
Windsor, CA 95492  
Account No.: Last 4 Digits: 2259  
Account Name: Niteen Sharma  
DBA Matrix Real Estate  
Real Estate Trust Account  
Signatories: Niteen Sharma  
Description: Handling of trust funds related to property management.

In the course of the real estate activities described above in Paragraph 5, and during the audit period, the following violations were discovered:

- (a) Respondent failed to disburse property management fees earned by Respondent within 25 days from the date the funds were received in Trust Account #1, in violation

1 of Section 10145 of the Code and Section 2835 of Chapter 6, Title 10, California Code of  
2 Regulations (“Regulations”);

3 (b) Respondent failed to maintain accurate separate records for each beneficiary  
4 or transaction so as to account for all trust funds deposited and disbursed from Trust Account #1  
5 and Trust Account #2, in violation of Section 10145 of the Code and Section 2831.1 of the  
6 Regulations;

7 (c) Respondent failed to keep and/or maintain records for monthly trust account  
8 reconciliations comparing the total balance of all separate beneficiary records with the balance of  
9 the record of all trust funds received, in violation of Section 10145 of the Code and Section 2831.2  
10 of the Regulations;

11 (d) Trust Account #2, which was used to hold funds for multiple beneficiaries,  
12 was an interest bearing trust account, in violation of Section 10145 of the Code;

13 (e) Respondent failed to file his Annual Mortgage Loan Business Activity  
14 Report (RE 881) for fiscal years 2019 and 2020 within 90 days after the end of the respective fiscal  
15 year, in violation of Section 10166.07 of the Code;

16 (f) Respondent failed to disclose his NMLS identifier number on the extended  
17 Loan Estimate in lieu of the Mortgage Loan Disclosure Statement, in violation of Section 10236.4  
18 of the Code; and

19 (g) Respondent failed to disclose his Department issued license number on his  
20 website (<https://www.gotomatrix.com>), which was used to solicit real estate business, in violation of  
21 Section 10140.6 of the Code and Section 2773 of the Regulations.

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23 The acts and/or omissions of Respondent, as described above in the FIRST CAUSE  
24 OF ACTION, constitute grounds for discipline pursuant to Sections 10236.4(b), 10140.6(b), 10145,  
25 10166.07(a), 10176(e), 10177(d) and 10177(g) of the Code, in conjunction with Sections 2773,  
26 2831.1, 2831.2 and 2835 of the Regulations.

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1                   WHEREFORE, Complainant prays that a hearing be conducted on the allegations of  
2 this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license  
3 rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as  
4 permitted by law, for the cost of the audit as permitted by law, and for such other and further relief  
5 as may be proper under other provisions of law.

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STEPHANIE YEE  
9 Supervising Special Investigator

10 Dated at Oakland, California,  
11 this 1st day of March, 2022.

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13 DISCOVERY DEMAND

14 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
15 Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth  
16 in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate  
17 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
18 Office of Administrative Hearings deems appropriate.