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**FILED**

DEC 10 2024

DEPT. OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-12738 SF
	)	
AMANDA TIFFANY KOBLER,	)	<u>ACCUSATION</u>
	)	
	)	
Respondent.	)	
	)	

The Complainant, Stephanie Yee, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE") of the State of California, for cause of Accusation against AMANDA TIFFANY KOBLER, a.k.a. "Amanda T. Kobler" ("Respondent"), alleges as follows:

1.

The Complainant, Stephanie Yee, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

LICENSE HISTORY

3.

a. Respondent AMANDA TIFFANY KOBLER ("Respondent") is currently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker, DRE License ID 01837501.

b. Respondent's broker license is set to expire on July 10, 2026, unless renewed.

c. Respondent was first licensed as a real estate salesperson from approximately December 13, 2007 until Respondent became licensed as a real estate broker on January 14, 2009.

d. According to current DRE records, Respondent's mailing address and main office is 249 Estudillo Avenue, San Leandro, California 94577.

e. According to current DRE records, Respondent has no branch offices under her DRE license.

f. According to current DRE records, Respondent has the following four active DBAs under her DRE license:

(1) Kobler Realty, active as of June 7, 2021;

(2) Toro Property Company, active as of December 17, 2021;

(3) Toro Property Management Company, active as of December 17, 2021; and

(4) Toro Property Management, active as of October 15, 2024.

g. According to current DRE records, Respondent has the following affiliated licensed corporations under her DRE license: Uba Services Inc. (DRE License ID 02179375), which was first licensed by the Department on March 7, 2022.

h. According to current DRE records, Respondent has the following broker associate under her DRE license: Kenneth Amaechi Nwokedi (DRE License ID 01320832).

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1 i. According to current DRE records, Respondent has the following salesperson  
2 under her DRE license: Robert Matthew Scott (DRE License ID 01360569).

3 BROKER ACTIVITIES

4 4.

5 At all times relevant herein, Respondent engaged in the business of, acted in the  
6 capacity of, advertised or assumed to act as a real estate broker, within the meaning of section  
7 10131(b) of the Code. Respondents' activities included performing the rental and collection  
8 of rents for real property on behalf of others for compensation or in expectation of  
9 compensation.

10 CAUSE FOR ACCUSATION

11 (AUDIT NO. OK-22-0029)

12 5.

13 From September 2022 through July 2023, the Department conducted an audit  
14 examination of the books and records of Respondent pertaining to her property management  
15 activities, as described in Paragraph 4 above. The audit examination was limited to  
16 Respondent's property management activity only and covered the period of time from January  
17 1, 2022 to April 30, 2023. The primary purpose of the examination was to determine whether  
18 Respondent conducted real estate activities in accordance with the Real Estate Law and the  
19 Commissioner's Regulations. The audit examination revealed numerous violations of the  
20 Code and the Regulations as set forth in the following paragraphs, and more fully discussed in  
21 Audit Report No. OK-22-0029 and the exhibits and work papers attached to said audit report.

22 6.

23 According to the discussions and documents produced, Respondent managed,  
24 during the audit period, fourteen (14) one-to-four family residences with twenty-three (23)  
25 units, seven (7) apartment complexes with seventy-nine (79) units, and five (5) commercial  
26 complexes with a total of thirteen (13) units. Total trust funds collected annually was estimated  
27 to be \$2,400,000.00.

7.

Based on the examination of records provided for the audit examination and discussions with Respondent, Respondent maintained nine (9) bank accounts as depositories of trust funds for management of properties during the audit period. Four (4) bank accounts were sampled and documented for the audit period. All four had as their account name "Toro Property Management Company LLC" and had as the sole signatory Kenneth Nwokedi (DRE License ID 01320832).

Violations of the Real Estate Law

8.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in the consolidated Audit Report No. OK-22-0029 and the exhibits and work papers attached to the audit report.

9.

**(a) Trust Account Designation (Code section 10145(a) and Regulation 2832).** Based on an examination of the most recent bank signature cards to BA 1, BA 2, BA 3, and BA 4, which were used for handling of receipts and disbursements of trust funds in connection with Respondent's property management activities during the audit period, BA 1, BA 2, BA 3, and BA 4 were titled as "Toro Property Management Company LLC" and were not titled in Respondent's name nor Respondent's fictitious business names. BA 1, BA 2, BA 3, and BA 4 were also not designated trust accounts. Said acts constitute violations of Code section 10145(a) and Regulation 2832.

**(b) Separate Record for Each Beneficiary of Transaction (Code section 10145(g) and Regulation 2831.1).** During the audit period, B/A 1 was used by Respondent to handle trust fund receipts and disbursements in connection with the property management activities. Respondent failed to maintain complete and/or accurate separate records to account for all trust funds deposited and disbursed, in violation of Code section 10145(g) and Regulation 2831.1. In particular, the beginning balances as of January 1, 2022 were inaccurate

or unreliable, which included:

- (1) 1816 Woolsey Street <\$2,609.75>
- (2) 1963 East 38<sup>th</sup> Street <\$1,366.53>
- (3) 1904 Manning Avenue (inactive during the audit period) <\$1,663.00>
- (4) 4651 Park Blvd. (inactive during the audit period) <\$4,704.00>
- (5) Greater Lane church (inactive during the audit period) <\$3,260.00>
- (6) Toro Property Management <\$121,897.06>
- (7) Woodminster Plaza <\$273,314.57>

As a result, the accountability of BA 1 as of April 30, 2023 could not be determined.

**(c) Trust Account Reconciliation (Code section 10145(a) and Regulation 2831.2).** During the audit period, Respondent failed to perform and maintain an accurate monthly reconciliation comparing the balance of all the separate beneficiary or transaction records (separate records) to the balance of all trust funds received and disbursed (control records) for BA 1 as required in connection with the property management activities, in violation of Code section 10145 and Regulation 2831.2.

**(d) Unlicensed Activity (Code section 10130).** During the audit period, Respondent performed property management activities under the unlicensed entity name "Toro Property Management Company LLC," in at least one property management agreement between "Toro Property Management Company" and property owner M. Byrd for the property located at 16118 Mateo Street, San Leandro, California 94578. Trust funds for Respondent's property management activities were handled in bank accounts titled in the name of the unlicensed entity, "Toro Property Management Company LLC."

**(e) Broker Supervision (Code section 10177(h), (d), and/or (g) and Regulation 2725).** Respondent failed to exercise adequate supervision and control over her property management activities conducted by her licensees and employees and failed to establish policies, rules, procedures, and systems to review, oversee, inspect, and manage

1 transactions requiring a real estate license and the handling of trust funds to ensure compliance  
2 with the Real Estate Law, in violation of Regulation 2725.

3 10.

4 The conduct of Respondent described in Paragraph 8 above, violated the Code  
5 and Regulations as set forth below:

6 <u>Issue</u>	<u>PROVISIONS VIOLATED</u>
7 (a)	Code section 10145(a) and Regulation 2832
8 (b)	Code section 10145(g) and Regulation 2831.1
9 (d)	Code section 10145(a) and Regulation 2831.2
10 (e)	Code section 10130
11 (f)	Code section 10177(h), (d), and/or (g) and Regulation 2725

12 Each of the foregoing violations constitute cause for the suspension or  
13 revocation of the real estate license and/or license rights of Respondents under the provisions of  
14 Code sections 10177(d) and/or 10177(g).

15 COSTS

16 (AUDIT COSTS)

17 11.

18 Code section 10148(b) provides, in pertinent part, that the Real Estate  
19 Commissioner shall charge a real estate broker for the costs of any audit if the Commissioner  
20 has found in a final decision, following a disciplinary hearing, that the broker has violated  
21 Section 10145 of the Code or a regulation or rule of the Commissioner interpreting said Code  
22 section.

23 (INVESTIGATION AND ENFORCEMENT COSTS)

24 12.

25 Section 10106 of the Code, provides, in pertinent part, that in any order issued in  
26 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
27 administrative law judge to direct a licensee found to have committed a violation of this part to

1 pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

2 WHEREFORE, Complainant prays that a hearing be conducted on the  
3 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
4 disciplinary action against all the licenses and/or license rights of Respondent AMANDA  
5 TIFFANY KOBLER under the Real Estate Law, for the costs of investigation and enforcement  
6 as permitted by law, for the cost of the audit, and for such other and further relief as may be  
7 proper under other applicable provisions of law.

8  
9 Dated at Oakland, California, on December 9, 2024.

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13 Stephanie Yee  
14 Supervising Special Investigator

15 cc: AMANDA TIFFANY KOBLER  
16 Stephanie Yee  
17 Sacto.  
18 Audits –Jayendra Barbhaiya  
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