

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

4 213) 576-6911

FILED

JUL 30 2008

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

TO:

CHANA GARCIA doing business as
Tower Realty.

No. H- 35176- LA

ORDER TO DESIST

AND REFRAIN

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be conducted of your activities, as described herein, and based upon the findings of that investigation, is of the opinion that:

YOU, CHANA GARCIA dba Tower Realty have violated Section 10145 of the California Business and Professions Code ("Code"), and Sections 2831 and 2832.1 of Title 10, Chapter 6, of the California Code of Regulations ("Regulations").

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1. 1

2 At all times material herein, CHANA GARCIA was licensed
3 by the Department as a real estate broker.

2. 4

5 All further references to "you" include the party
6 identified in Paragraph 1 above, and also includes the employees,
7 agents and real estate licensees employed by or associated with
8 said party and who at all times herein mentioned were engaged in
9 the furtherance of the business or operations of said parties and
10 who were acting within the course and scope of their authority
11 and employment.
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3. 13

14 At all times mentioned, in the City of Yucaipa, County
15 of Riverside, you, CHANA GARCIA, acted as a real estate broker,
16 performing residential resales and property management activities
17 pursuant to Code Sections 10131(a) and 10131(b) respectively.
18

4. 19

20 On April 27, 2007, the Department completed an audit
21 examination of your books and records, CHANA GARCIA, pertaining
22 to your property management activities described in Paragraph 3,
23 that require a real estate license. The audit examination
24 covered a period of time beginning on January 1, 2006 to January
25 31, 2007. The audit examination revealed violations of the Code
26 and Regulations as set forth in the following paragraphs, and
27 more fully discussed in Audit Report LA 060242 and the exhibits

1 and workpapers attached thereto.

2 TRUST ACCOUNTS

3 5.

4 At all times mentioned, in connection with the
5 activities described in Paragraph 6, above, you CHANA GARCIA
6 accepted or received funds in trust (trust funds) from or on
7 behalf of tenants, renters and property owners, and thereafter
8 made disposition of such funds. You maintained the following
9 fourteen trust accounts during the audit period into which were
10 deposited certain of these funds at the Bank of America, Calimesa
11 Branch, San Francisco, California:

12
13 "Tower Realty Trust Account
14 Account No. 24568-06958"

("T/A #1)

15
16 "Tower Realty Trust Account
17 Account No. 24560-07602"

("T/A #2)

18 VIOLATIONS OF THE REAL ESTATE LAW

19 6.

20 In the course of activities described in Paragraphs 3
21 and 5, above, and during the examination period described in
22 Paragraph 4, you, CHANA GARCIA, acted in violation of the Code
23 and the Regulations in that you:

24 (a) Permitted, allowed or caused the disbursement of
25 trust funds from the trust accounts where the disbursement of
26 funds reduced the total of aggregate funds in trust accounts, to
27

1 an amount, as set forth below, which, on January 31, 2007, was
2 \$2,742.81, less than the existing aggregate trust fund liability
3 of CHANA GARCIA to every principal who was an owner of said
4 funds, without first obtaining the prior written consent of the
5 owners of said funds, as required by Code Section 10145 and
6 Regulation 2832.1:

7	T/A #1	\$ 343.57
8	T/A #2	<u>\$ 2,399.24</u>
9		\$ 2,742.81

10 (b) Failed to maintain a complete trust fund receipts
11 journal and a complete trust fund disbursements journal with
12 respect to the funds deposited in the trust account, or other
13 records of the receipt and disposition of trust funds accepted in
14 trust and deposited in said accounts by you as required by Code
15 Section 10145 and Regulation 2831 for T/A #1 - T/A #2.

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1 NOW, THEREFORE, YOU, CHANA GARCIA, ARE ORDERED TO
2 DESIST AND REFRAIN from performing any and all acts requiring a
3 real estate license in California unless and until you are in
4 compliance with Section 10145 of the California Business and
5 Professions Code, and Sections 2831 and 2832.1 of Title 10,
6 Chapter 6, of the California Code of Regulations

7 DATED 7-2-08
8

9 JEFF DAVI
10 Real Estate Commissioner
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12 _____
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24

25 cc: Chana Garcia
26 34664 County Line Rd. #10
27 Yucaipa, CA 92399