

FILED

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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37511 LA
12)
13)
14)
15)
16)
MAGNO REALTY GROUP and)
ROBERT G. SILVERMAN,)
individually, and as designated)
officer of Magno Realty Group,)
Respondents.)

ACCUSATION

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against MAGNO REALTY GROUP and ROBERT G. SILVERMAN, individually
20 and as designated officer of Magno Realty Group, alleges as
21 follows:

22 1.

23 The Complainant, Robin Trujillo, acting in her official
24 capacity as a Deputy Real Estate Commissioner of the State of
25 California, makes this Accusation against MAGNO REALTY GROUP
26 ("MAGNO") and ROBERT G. SILVERMAN ("SILVERMAN").
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2.

MAGNO is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a real estate corporation. It was first licensed as a corporation on March 25, 2008.

3.

SILVERMAN is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. SILVERMAN has been the designated officer of MAGNO since March 25, 2008.

4.

Pursuant to Code Section 10159.2, Respondent SILVERMAN is responsible for the supervision and control of the activities conducted on behalf of Respondent MAGNO and by its officers and employees as necessary to secure full compliance with the provisions of the Real Estate Law, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

5.

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(a) of the Code, including selling, offering to sell, or negotiating the sale of real property.

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1 TRUST ACCOUNT

2 9.

3 During the audit period MAGNO did not maintain a trust
4 account.

5 VIOLATIONS OF THE REAL ESTATE LAW

6 10.

7 In the course of activities described in Paragraph 5
8 above and during the examination period described in Paragraph 8,
9 Respondents MAGNO and SILVERMAN acted in violation of the Code
10 and Title 10, Chapter 6, California Code of Regulations
11 ("Regulations") in that:

12 (a) The earnest money deposit given to MAGNO for the
13 property located at 1080 Cadiz Circle in Simi Valley was placed
14 in a general account instead of a trust account, in violation of
15 Code Section 10145.

16 (b) The \$35,000 earnest money deposit deposited into
17 MAGNO's general account was commingled with MAGNO's funds, in
18 violation of Code Section 10176(e) and Regulation 2835.

19 (c) A record of trust funds received and disbursed was
20 not maintained, in violation of Code Section 10145 and Regulation
21 2831.

22 (d) With respect to the \$35,000 earnest money deposit
23 received and paid into MAGNO's general account, there was no
24 reconciliation of separate records kept with records of all trust
25 funds received and disbursed, in violation of Code Section 10145
26 and Regulation 2831.2.
27

1 (e) MAGNO failed to maintain separate records for the
2 beneficiaries of earnest money received and deposited into
3 MAGNO's general account, in violation of Code Section 10145 and
4 Regulation 2831.1.

5 11.

6 The conduct of Respondents MAGNO and SILVERMAN,
7 described in Paragraph 10, above, violated the Code and the
8 Regulations as set forth below:

9	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
10	10(a)	Code Section 10145
11	10(b)	Code Section 10176(e) and
12		Regulation 2835
13	10(c)	Code Section 10145 and Regulation
14		2831
15	10(d)	Code Section 10145 and Regulation
16		2831.2
17	10(e)	Code Section 10145 and Regulation
18		2831.1
19		

20 The foregoing violations constitute cause for the
21 suspension or revocation of the real estate license and license
22 rights of MAGNO and SILVERMAN, under the provisions of Code
23 Sections 10176(e), 10177(d) and/or 10177(g).

24 NEGLIGENCE

25 12.

26 The overall conduct of Respondents MAGNO and SILVERMAN
27 constitutes negligence or incompetence. This conduct and

1 violation are cause for the suspension or revocation of the real
2 estate license and license rights of said Respondents pursuant to
3 Code Section 10177(g).

4
5 SUPERVISION AND COMPLIANCE

6 13.

7 The overall conduct of Respondent SILVERMAN constituted
8 a failure on his part, as a former officer designated by a
9 corporate broker licensee, to exercise reasonable supervision and
10 control over the licensed activities of MAGNO as required by Code
11 Section 10159.2, and to keep MAGNO in compliance with the Real
12 Estate Law, and is cause for the suspension or revocation of the
13 real estate license and license rights of SILVERMAN pursuant to
14 the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents
5 MAGNO REALTY GROUP and ROBERT G. SILVERMAN under the Real Estate
6 Law (Part 1 of Division 4 of the Business and Professions Code)
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 6 day of September, 2011.
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12 
13 ROBIN TRUJILLO
14 Deputy Real Estate Commissioner
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24 cc: MAGNO REALTY GROUP
25 ROBERT G. SILVERMAN
26 Robin Trujillo
27 Sacto.
OAH