

FILED

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DEPARTMENT OF REAL ESTATE
BY: R. Millerholt

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of)

No. H-38289 LA

CHRISTIAN MICHAEL DAVEY,
doing business as Empire
Management Company,

A C C U S A T I O N

Respondent.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of accusation
against CHRISTIAN MICHAEL DAVEY doing business as Empire
Management Company, alleges as follows:

1. The Complainant, Robin Trujillo, acting in her
official capacity as a Deputy Real Estate Commissioner of the
State of California, makes this Accusation against CHRISTIAN
MICHAEL DAVEY.

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1 2. CHRISTIAN MICHAEL DAVEY (hereinafter referred to as
2 "Respondent") is presently licensed and/or has license rights
3 under the Real Estate Law (Part 1 of Division 4 of the Business
4 and Professions Code, hereinafter Code).

5 3. At all times herein mentioned, Respondent CHRISTIAN
6 MICHAEL DAVEY was licensed as a real estate broker.

7 4. At all times material herein, Respondent engaged in
8 the business of, acted in the capacity of, advertised or assumed
9 to act as a real estate broker in the State of California within
10 the meaning of Section 10131(b) of the Code, including renting
11 properties and collecting rents.

12 5. On or about February 23, 2011, the Department
13 completed an examination of Respondent's books and records,
14 pertaining to the activities described in Paragraph 4 above,
15 covering a period from January 1, 2009, through November 30,
16 2011, which examination revealed violations of the Code and of
17 Title 10, Chapter 6, California Code of Regulations (hereinafter
18 Regulations) as set forth below.

19 6. The examination described in Paragraph 5, above,
20 determined that, in connection with the activities described in
21 Paragraph 4 above, Respondent accepted or received funds,
22 including funds in trust (hereinafter "trust funds") from or on
23 behalf of principals, and thereafter made deposit or disbursement
24 of such funds.

25 7. In the course of activities described in Paragraphs
26 4 and 6 and during the examination period described in Paragraph
27 5, Respondent acted in violation of the Code and the Regulations

1 as follows, and as more specifically set forth in Audit Report
2 No. LA 100289 and related exhibits:

3 a. Violated Section 10145 of the Code and Regulation
4 2832.1 in that as of November 30, 2011, trust account No. 313816-
5 ***** contained a shortage of \$6,901.20.

6 b. Violated Code Section 10145 and Regulation 2832 by
7 failing to maintain the trust account in the broker's name as
8 trustee.

9 c. Violated Code Section 10145 and Regulation 2831 in
10 that the control records for the trust account was not always
11 complete and accurate.

12 d. Violated Code Section 10145 and Regulation 2831.1
13 in that the separate records for the trust account were not
14 always complete and accurate.

15 e. Violated Code Section 10145 and Regulation 2831.2
16 by failing to maintain a monthly reconciliation comparing the
17 balance of all separate records to the balance of the record of
18 all trust funds received and disbursed.

19 f. Violated Code Section 10145 and Regulation 2832 by
20 holding rent checks beyond three business days following receipt
21 of the funds.

22 g. Violated Code Section 10145 and 10176(g) by not
23 maintaining executed management agreements to receive and
24 disburse trust funds received on behalf of most property owners
25 for performing property management.

1 h. Violated Code Section 10159.5 and Regulation 2731
2 by using the unlicensed fictitious business name Empire
3 Management Company.

4 8. The conduct of Respondent, as alleged above,
5 subjects his real estate licenses and license rights to
6 suspension or revocation pursuant to Sections 10177(d), 10177(g)
7 and/or 10177(h) of the Code.

8 COST OF RECOVERY

9 Business and Professions Code Section 10106 provides,
10 in pertinent part, that in any order issued in resolution of a
11 disciplinary proceeding before the department, the commissioner
12 may request the administrative law judge to direct a licensee
13 found to have committed a violation of this part to pay a sum not
14 to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 WHEREFORE, Complainant prays that a hearing be
17 conducted on the allegations of this Accusation and that upon
18 proof thereof, a decision be rendered imposing disciplinary
19 action against all licenses and license rights of Respondent
20 CHRISTIAN MICHAEL DAVEY, for the cost of investigation and
21 enforcement as permitted by law, under the Real Estate Law (Part
22 1 of Division 4 of the Business and Professions Code) and for
23 such other and further relief as may be proper under other
24 applicable provisions of law.

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Dated at Los Angeles, California
this 30 day of April, 2012.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Christian Michael Davey
Robin Trujillo
Sacto.