


**FILED**

OCT -9 2013

DEPARTMENT OF REAL ESTATE  
BY: 

1 Elliott Mac Lennan, Counsel (SBN 66674)  
2 Bureau of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982  
5 Direct: (213) 576-6911  
6 Facsimile (213) 576-6917

7  
8  
9 BEFORE THE BUREAU OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
12 CALPRO PROPERTY MANAGEMENT INC.; ) No. H- 39084 LA  
13 and ROBERT GARDNER YANN, )  
13 individually and as designated officer ) ACCUSATION  
14 of CalPro Property Management Inc., )  
15 )  
15 Respondents. )  
16 )

17 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
18 of California, Bureau of Real Estate ("Bureau") for cause of Accusation against CALPRO  
19 PROPERTY MANAGEMENT INC. ("CPMI") and ROBERT GARDNER YANN ("YANN"),  
20 individually and as designated officer of CalPro Property Management Inc. (collectively  
21 "Respondents"), is informed and alleges as follows:

22 1.

23 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
24 of California, makes this Accusation in her official capacity.

25 2.

26 All references to the "Code" are to the California Business and Professions Code  
and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

1                    License Status

2  
3                    3.

4                    From June 16, 2010, through the present, Respondent CPMI has been licensed as  
5 a real estate broker. At all times relevant herein, CPMI was acting by and through Respondent  
6 YANN as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for  
7 ensuring compliance with the Real Estate Law. On April 9, 2012, CPMI became Non-Broker  
8 Affiliated upon the cancellation of YANN's tenure as designated officer.

9                    3.

10                    Respondent YANN was originally licensed as a real estate broker on May 8,  
11 2009. On April 9, 2012, YANN cancelled his tenure as designated officer of CPMI.

12                    Table: CalPro Property Management Inc. Officers

13

Officers	Title	License
Robert Gardner Yann	Designated Officer	Broker
Thomas Windham	CEO/CFO	No

14  
15  
16

17                    4.

18                    Whenever reference is made in an allegation in this Accusation to an act or  
19 omission of "Respondents", such allegation shall be deemed to mean that the officers, directors,  
20 employees, agents and real estate licensees employed by or associated with Respondents  
21 committed such act or omission while engaged in the furtherance of the business or operations  
22 of Respondents and while acting within the course and scope of their corporate authority and  
23 employment, including YANN, and Thomas Windham.

24 ///

25 ///

26 ///

1 FIRST CAUSE OF ACCUSATION  
2 (Property Management Audit)

3 5.

4 At all times mentioned, in the City of Seal Beach, County of Orange,  
5 Respondents CPMI and YANN engaged in the business of, acted in the capacity of, advertised  
6 or assumed to act as a real estate brokers, within the meaning of Code Section 10131(b).  
7 Respondents engaged in the business of a property management brokerage with the public  
8 wherein, for or in expectation of compensation, for another or others, Respondents leased;  
9 rented or offered to lease or rent; placed for rent; solicited listings of places for rent; solicited for  
10 prospective tenants, collected rents from real property, or improvements thereon.  
11

12 Audit Examination:

13 6.

14 On July 2, 2012, the Bureau completed an audit examination of the books and  
15 records of Respondent CPMI pertaining to the property management activities described in  
16 Paragraph 5, which require a real estate license. The audit examination covered a period of time  
17 beginning on January 1, 2011 and ending May 31, 2012. The audit examination revealed  
18 violations of the Code and Title 10, Chapter 6, California Code of Regulations ("Regulations")  
19 as alleged in the following paragraphs, and more fully set forth in Audit Report LA 110247 and  
20 the exhibits and work papers attached thereto.  
21

22 Bank Accounts

23 7.

24 At all times mentioned, in connection with the activities described in Paragraph 6,  
25 above, CPMI accepted or received funds including funds in trust ("trust funds") including security  
26 deposits and rental receipts from or on behalf of property owners and tenants handled by CPMI

1 and thereafter made deposits and or disbursements of such funds. From time to time herein  
2 mentioned, during the audit period and thereafter, said trust funds were deposited and/or  
3 maintained by CPMI in the accounts located at the Bank of America in Seal Beach, California,  
4 described below:

5 TA 1

6 "CalPro Property Management Inc.

7 \*\*\*\*8244"

8 TA 2

9 "CalPro Property Management Inc.

10 \*\*\*\*8359"

11 BA 1

12 "CalPro Property Management Inc.

13 \*\*\*\*7912"

14 BA 2

15 "CalPro Property Management Inc.

16 \*\*\*\*7912"

17 Violations of the Real Estate Law

18 8.

19  
20 In the course of activities described in Paragraphs 5 and 7, above, and during the  
21 examination period, described in Paragraph 6, Respondents CPMI and YANN acted in violation  
22 of the Code and the Regulations in which Respondents:

23 (a) Failed to restore trust funds in amount of \$6,338.29 to trust fund beneficiaries  
24 Santucci and Ung in respective amounts of \$2,430 and \$3,908.25, totaling \$6,338.25, in  
25 violation of Code Sections 10145 and 10177(g);  
26

1 (b) Failed to place trust funds, including rents and security deposits collected  
2 from tenants, into a trust fund account in the name of the broker as trustee at a bank or other  
3 financial, in violation of Code Section 10145 and Regulation 2832(a);

4 (c) Conducted licensed activities from CPMI's mailbox which was registered as  
5 CPMI's main office address, in violation of Code Section 10163 and Regulation 2715;

6 (d) Used the fictitious name of "CalPro Property Management," to conduct  
7 licensed activities without first obtaining from the Bureau a license bearing said fictitious  
8 business name, in violation of Code Section 10159.5 and 2731; and

9 (e) Failed to retain all records of CPMI's activity during the audit period  
10 requiring a real estate broker license, in violation of Code Section 10148.  
11

12  
13 Disciplinary Law and Regulations

14 9.

15 The conduct of Respondents CPMI and YANN, described in Paragraph 8, above,  
16 violated the Code and the Regulations as set forth below:  
17

18 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
19 8(a)	Code Section 10145 and 10177(g)
20 8(b)	Code Section 10145 and Regulation 2832(a)
21 8(c)	Code Section 10162 and Regulation 2715
22 8(d)	Code Section 10159.5 and Regulation 2731
23 8(e)	Code Section 10148

24 The foregoing violations constitute cause for the discipline of the real estate licenses and license  
25 rights of Respondents CPMI and YANN under the provisions of Code Sections 10145, 10177(d)  
26 and 10177(g).



1	Richard S.	712-0525-008	\$6,088	August 10, 2010
2	Ronald S.	712-052-003	\$2,340	2010
3	Danie S.	712-0625-005	\$6,193	March, April August 2012
4	Kendra G.	712-0727-001	\$4,175	2010 to December 2, 2011
5	Saul M.	712-0613-003	\$2,095	March 1, 2012
6	Gloria B.	712-0228-002	\$6,953.52	January, February, March 2012
7				
8				
9	Total Restitution Due		<u>\$76,754.20</u>	

10 13.

11 The conduct of Respondents CPMI and YANN, as alleged and described in  
 12 Paragraphs 5, 13, 14 and 15, above, violated the Code and the Regulations hereunder, under the  
 13 provisions as set forth below:

14 A. 10176(a) for substantial misrepresentation.

15 B. 10176(b) for false promises of a character likely to influence, persuade, or  
 16 induce.

17 C. 10176(c) for a continued and flagrant course of misrepresentation or making  
 18 of false promises through real estate agents or salespersons.

19 D. 10176(g) for undisclosed compensation and for taking secret profits.

20 E. 10176(i) for fraud and dishonest dealing and conversion of rental receipts.

21 F. 10177(j) for diversion and defalcation of trust funds.

22 G. 10145 for trust fund mishandling handling.

23 ///

24 ///

25 ///

26 ///





1                   WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents CALPRO PROPERTY  
4 MANAGEMENT INC. and ROBERT GARDNER YANN, individually and as designated  
5 officer of CalPro Property Management Inc. under the Real Estate Law (Part 1 of Division 4 of  
6 the California Business and Professions Code) and for such other and further relief as may be  
7 proper under other applicable provisions of law, including but not limited to, proof of restitution  
8 of trust funds in amount of \$6,388.29, and costs investigation, enforcement and audit.  
9

10 Dated at Los Angeles, California.

11  
12 this 4th day of October, 2013.

13  
14   
15 MARIA SUAREZ  
16 Deputy Real Estate Commissioner  
17  
18  
19  
20  
21  
22  
23

24 cc: Robert Gardner Yann  
25 Maria Suarez  
26 Bitu Yazdani  
Sacto