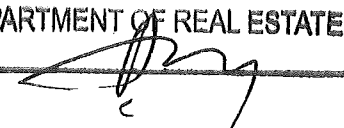


FILED

MAR - 4 2014

MARTHA J. ROSETT, Counsel (SBN 142072)
Bureau of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: 

(213) 576-6982
(213) 620-6430

BEFORE THE BUREAU¹ OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of

No. H-39345 LA

TIMOTHY S. HUYCK, individually and as
designated broker-officer of Rental Housing Solutions)
and RENTAL HOUSING SOLUTIONS, dba
Mission Realty, a corporate real estate broker,

A C C U S A T I O N

Respondents.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner, for
cause of Accusation against TIMOTHY S. HUYCK, individually and as designated broker-
officer of Rental Housing Solutions, and RENTAL HOUSING SOLUTIONS, dba Mission
Realty, a corporate real estate broker, is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the
State of California, makes this Accusation in her official capacity.

2.

¹ Effective July 1, 2013, the Bureau of Real Estate became the Bureau of Real Estate, Bureau of Consumer Affairs
("Bureau"). References to the agency herein will be to the successor entity, the Bureau.

1 Respondent TIMOTHY S. HUYCK ("HUYCK") is licensed by the Bureau of
2 Real Estate ("Bureau") as a real estate broker. HUYCK was originally licensed by the Bureau as
3 a broker in 2003, and was licensed as a salesperson before that.

4 3.

5 Respondent RENTAL HOUSING SOLUTIONS, dba Mission Realty (RHS) is a
6 California corporation. RHS has license rights as a corporate real estate broker. RHS's
7 corporate real estate broker license expired on or about July 27, 2013, and it retains rights to
8 renewal pursuant to Business and Professions Code ("Code") section 10201. At all times
9 relevant, Respondent HUYCK was the broker-officer of RHS designated pursuant to Code
10 Section 10159.2 to be responsible for supervising the activities of RHS and its employees and
11 agents to ensure compliance with the Real Estate Law.
12

13 4.

14 Ryan Rude ("Rude") was formerly licensed by the Bureau as a real estate
15 salesperson. Respondent's real estate salesperson license was revoked, effective July 5, 2012.
16 The basis for discipline was violation of Code Section 10177(j) (dishonest dealing).
17

18 5.

19 Beginning on or before February 21, 2011, and continuing until his license was
20 revoked on or about July 5, 2012, Rude was licensed to conduct activities requiring a real estate
21 license through RHS as his employing broker of record. Between February 23, 2009 and
22 February 20, 2011, Rude was not affiliated with an employing broker of record and his real
23 estate license was therefore inactive.
24

25 ///

26 ///

6.

All further references to "Respondents" include HUYCK and RHS, as well as the officers, agents, affiliates and employees of the HUYCK and RHS, acting within the course and scope of their employment and/or agency.

7.

On or about November 22, 2010, Consumers Robert and Adriana H. ("Consumers") contacted Rude to obtain loan modification, short sale, or other foreclosure avoidance services relating to residential property they owned in Fullerton, CA ("Subject Property"). Rude referred them to HUYCK, and RHS, and acted as an assistant to RHS. Rude recommended that Consumers rent their property to his sister, Heather Johnson.

8.

Consumers signed one page of a three page Lease Listing Agreement, pursuant to which they agreed to list the Subject Property for rent, and to split rents collected by Respondents on a 50-50 basis. However, Consumers did not receive all three pages and made several written requests to Respondent HUYCK for a complete copy of the agreement. On or about December 31, 2010, when no complete agreement was provided to them, Consumers wrote to HUYCK notifying him that since they never received a complete written copy, they did not have an agreement with him.

9.

On or about February 4, 2011, Respondent HUYCK, as broker for RHS, entered into an agreement with Heather Johnson pursuant to which she would pay RHS \$500 per month to rent the Subject Property. Respondent HUYCK did not inform the Consumers (the true owners of the property) that he had entered into a written leasing agreement with Johnson.

1 Rather, Respondents represented to the owners that Johnson would be staying in the property as
2 a house sitter to prevent damage to the property while it remained vacant through the short sale
3 and/or foreclosure process.

4 10.

5 Between February 4, 2011 and January 12, 2012, Respondents collected payments
6 from Johnson as rental of the Subject Property, which contained some of Consumers' furnishings
7 and personal property. Respondents did not place the rent payments collected into a trust
8 account, and did not maintain trust accounting records. They did not forward any of the rent
9 collected to the Consumers. Rather, Johnson paid Respondents checks made out to RHS, which
10 Respondents deposited into general operating accounts. Examples of checks and other money
11 collected from Johnson for rental of the Subject Property included check number 1296, dated
12 February 4, 2011 for \$250.00; check number 1297 for \$250, dated March 15, 2011; and check
13 number 1300 for \$250, dated April 16, 2011.
14

15 11.

16 On or about January 13, 2012, Johnson changed the locks to the Subject
17 Property, preventing the Consumers (true owners) from accessing the property itself and
18 retrieving other personal property contained inside. The police had to be called in order for
19 Consumers to access their property.
20

21 12.

22 Grounds exist to revoke or suspend the real estate licenses of Respondents
23 HUYCK and RHS pursuant to Business and Professions Code ("Code") Sections 10145(c),
24 10177(d) and/or 10177(g), and Title 10, Chapter 6 of the California Code of Regulations
25 ("Regulations"), Regulation 2832 and Regulation 2831 for receiving trust funds in the form of
26
27

1 rent from a tenant and failing to deposit same into a trust account or forward to the owners of the
2 property.

3 13.

4 Grounds exist to revoke or suspend Respondents HUYCK and RHS' licenses and
5 license rights pursuant to Code Section 10176(j), for obtaining Johnson's signature on a leasing
6 agreement without having the written prior authorization of the owners of the property.

7 14.

8 Grounds exist to revoke or suspend Respondents HUYCK and RHS' licenses and
9 license rights for claiming a fee, compensation or commission under a "Lease Listing
10 Agreement" that did not contain a specific date of termination.

11 15.

12 Grounds exist to revoke or suspend Respondent HUYCK and Respondent RHS'
13 broker licenses and license rights pursuant to Code Sections 10176(a) (substantial
14 misrepresentation), 10176(e) (commingling trust funds), and 10176(i), for engaging in dishonest
15 dealing and fraud.

16 16.

17 Grounds exist to revoke or suspend Respondent HUYCK's broker license
18 pursuant to Code Section 10177(h) for failing to exercise reasonable supervision over the
19 activities of RHS to ensure compliance with the Real Estate law.

20 17.

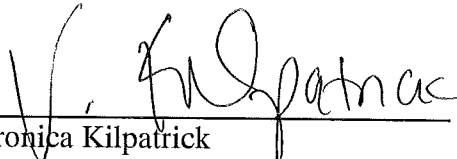
21 Business and Professions Code Section 10106 provides, in pertinent part, that in
22 any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner
23 may request the administrative law judge direct a licensee found to have committed a violation
24
25
26
27

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

3 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
4 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and/or license rights of Respondents TIMOTHY S. HUYCK and
6 RENTAL HOUSING SOLUTIONS, under the Real Estate Law, for the cost of
7 investigation and enforcement as permitted by law (Code Section 10106), and for such other and
8 further relief as may be proper under other applicable provisions of law.
9

10 Dated at San Diego, California

11 this 26 day of February, 2014.
12

13
14 
15 Veronica Kilpatrick
16 Deputy Real Estate Commissioner
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24

25 cc: Timothy S. Huyck
26 Rental Housing Solutions Inc.
27 Veronica Kilpatrick
Sacto.