

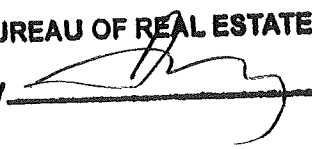
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FILED

SEP - 8 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU¹ OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	No. H- 39591 LA
	)	
KENDRA JEAN WAHLIN,	)	<u>ACCUSATION</u>
doing business as Precise Properties,	)	
	)	
Respondent,	)	
	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California acting in her official capacity, for cause of Accusation against KENDRA JEAN WAHLIN doing business as Precise Properties, is informed and alleges as follows:

1.

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

2.

All references to the "Code" are to Part 1 of Division 4 of the California Business

1 and Professions Code ("Real Estate Law") and all references to "Regulations" are to Title 10,
2 Chapter 6, California Code of Regulations.

3 License Status

4 3.

5 At all times mentioned, KENDRA JEAN WAHLIN ("WAHLIN") was licensed or
6 had license rights issued by the Bureau of Real Estate ("Bureau") as a real estate broker.
7 WAHLIN was originally licensed as a real estate broker on March 14, 1997 and previously as a
8 salesperson.
9

10 Brokerage

11 4.

12 At all times mentioned, in the City of Laguna Niguel, County of Orange,
13 Respondent WAHLIN engaged in the business of, acted in the capacity of, advertised or assumed
14 to act as a real estate broker, including the operation and conduct of a property management
15 business within the meaning of Code Section 10131(b). Respondent engaged in the business of a
16 property management brokerage with the public wherein, for or in expectation of compensation,
17 for another or others, Respondent leased or rented or offered to lease or rent, or placed for rent,
18 or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from
19 real property, or improvements thereon.
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22 Respondent WAHLIN is engaged in property management activity and manages
23 two hundred (200) real properties for one hundred sixty (160) owners. WAHLIN collects rents,
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26 ¹ Effective July 1, 2013, the California Department of Real Estate became the Department of Consumer Affairs,
27 Bureau of Real Estate ("Bureau"). References in this Accusation are to the successor entity.

1 pays expenses, and screens tenants for compensation. Approximately \$500,000 in trust funds are
2 handled monthly. WAHLIN charged a property management fee of approximately 7.5%.

3 Additionally WAHLIN provided lease execution services for property owners that
4 managed their respective real properties.

5
6 FIRST CAUSE OF ACCUSATION
7 (Audit Examination)

8 5.

9 On April 29, 2014 the Bureau completed an audit examination of the books and
10 records of WAHLIN, pertaining to the property management activities of her brokerage described
11 in Paragraph 3, that require a real estate license. The audit examination covered a period of time
12 beginning on January 1, 2012 and ending on August 30, 2013. The audit examination revealed
13 violations of the Code and the Regulations as set forth below, and more fully discussed in Audit
14 Report LA 130081 and the exhibits and work papers attached.
15

16 Bank Accounts

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18 6.

19 At all times mentioned, in connection with the activities described in Paragraph 4,
20 above, WAHLIN accepted or received funds including funds in trust (hereinafter "trust funds")
21 from or on behalf of actual or prospective parties to transactions handled by WAHLIN, including
22 property owners and tenants. WAHLIN maintained the following bank accounts for her property
23 management brokerage at the Farmers and Merchants Bank located at PO Box 512380, Los
24 Angeles, California:
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26
27

1. BA 1

Account Name: Kendra J. Wahlin dba Precise Property Management TA-1 (sic)

Account No.: *****3903

2. BA 2

Account Name: Kendra J. Wahlin dba Precise Property Management
Unlicensed dba TA-4 (sic)

Account No.: *****3946

3. BA 3

Account Name: Kendra J. Wahlin dba Precise Property Management
Unlicensed dba TA-4 (sic)

Account No.: *****3083

4. BA 4

Account Name: Kendra J. Wahlin dba Precise Property Management
Unlicensed dba TA-5 (sic)

Account No.: *****3954

5. BA 5

Account Name: Kendra J. Wahlin dba Precise Property Management
Unlicensed dba TA-6 (sic)

Account No.: *****3962

6. BA 6

Account Name: Kendra J. Wahlin dba Precise Property Management
Unlicensed dba TA-10 (sic)

Account No.: *****5428

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In the course of activities described in Paragraphs 4 and 6, above, and during the audit examination period described in Paragraph 5, Respondent WAHLIN acted in violation of the Code and the Regulations in which WAHLIN:

• BA 1	\$ 4,899.43
• BA 2	\$ 53,396.61
• BA 3	\$ 421.43
• BA 4	\$ 56,106.48
• BA 5	\$ <u>56,106.48</u>
	<u>\$114,283.95</u> Total

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(c) Failed to maintain a control record in the form of a columnar record in chronological order of trust funds received, deposited and disbursed into and from BA 1 through 6, in violation of Code Section 10145 and Regulation 2831;

(d) Failed to maintain accurate, adequate and complete separate record for each beneficiary or transaction, thereby failing to account for all trust funds received, deposited and disbursed by BA 1 through BA 6, in violation of Code Section 10145 and Regulation 2831.1; and

(e) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Regulation 2831.1 with the record of all trust funds received and disbursed by BA 1 through BA 6, in violation of Code Section 10145 and Regulation 2831.2.

Disciplinary Statutes and Regulations

8.

The conduct of Respondent WAHLIN, as alleged and described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
7(a)	Code Section 10145 and Regulation 2832.1
7(b)	Code Section 10145 and Regulation 2832
7(c)	Code Section 10145 and Regulation 2831
7(d)	Code Section 10145 and Regulation 2831.1
7(e)	Code Section 10145 and Regulation 2831.2

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondent WAHLIN, under the provisions of Code Sections 10177(d) and 10177(g).

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The overall conduct of Respondent WAHLIN constitutes negligence or incompetence. This conduct and violation is cause for the suspension or revocation of the real estate license and license rights of Respondent pursuant to Code Section 10177(g).

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2 FOURTH CAUSE OF ACCUSATION
3 (Supervision)

4 11.

5 The overall conduct of Respondent WAHLIN constitutes a failure on her part to
6 exercise reasonable supervision and control over the licensed activities her property management
7 brokerage, in violation of Code Section 10177(h) and Regulation 2725. Respondent WAHLIN
8 failed to keep her brokerage in compliance with the Real Estate Law, and as such, is cause for the
9 suspension or revocation of the real estate license and license rights of Respondent pursuant to
10 the provisions of Code Section 10177(h).
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12 12.

13 Code Section 10106 provides, in pertinent part, that in any order issued in
14 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may
15 request the administrative law judge to direct a licensee found to have committed a violation of
16 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
17 the case.
18

19 13.

20 Code Section 10148(b) provides, in pertinent part, the Commissioner shall charge
21 a real estate broker for the cost of any audit, if the Commissioner has found in a final decision
22 following a disciplinary hearing that the broker has violated Code section 10145 or a regulation
23 or rule of the Commissioner interpreting said section.
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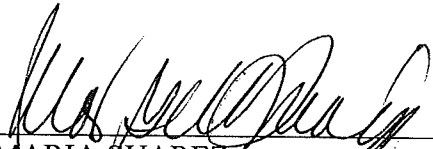
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against the license and license rights of Respondent KENDRA JEAN WAHLIN under the
4 Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other
5 and further relief as may be proper under other applicable provisions of law including, but not
6 limited to (1) repatriation of \$114,823.95 trust fund shortage; (2) cost of audit pursuant to Code
7 Section 10148(b); (3) costs of investigation and enforcement pursuant to Code Section 10106;
8 (4) restitution as applicable; and (5) as pursuant to applicable provisions of the California
9 Administrative Procedure Act.

10 Dated at Los Angeles, California

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12 This 5 day of September 2014

13 
14 MARIA SUAREZ
15 Deputy Real Estate Commissioner
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24 cc: Kendra Jean Wahlin
25 Maria Suarez
26 Audits – Darryl M. Thomas
27 Sacto