

FILED

APR 16 2015

BUREAU OF REAL ESTATE

By

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7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-39805 LA

12 AYRA LIN FAN; VICTORVILLE)
13 INVESTMENTS REALTY, INC.,)

A C C U S A T I O N

14 Respondents.)

15
16 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the
17 State of California, acting in her official capacity, for cause of Accusation against AYRA LIN
18 FAN, and VICTORVILLE INVESTMENTS REALTY, INC. ("Respondents") alleges as
19 follows:

20 1.

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

23 2.

24 Respondent VICTORVILLE INVESTMENTS REALTY, INC. ("VIRI") is
25 presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of
26 the Code as a corporate real estate broker. Respondent VIRI was originally licensed as a
27

1 corporate real estate broker on or about July 26, 2012, with Respondent AYRA LIN FAN
2 ("FAN") as its designated officer. Respondent FAN is the current designated officer of VIRI.

3 3.

4 Respondent FAN is presently licensed and/or has license rights under the Code
5 as a real estate broker. Respondent FAN was originally licensed as a real estate salesperson on
6 November 9, 2009, and as a real estate broker on June 18, 2011. Her real estate broker license
7 is due to expire on June 17, 2015. Beginning July 8, 2011, and continuing to the present,
8 Respondent has registered with the Bureau of Real Estate ("Bureau") the licensed fictitious
9 business name of Victorville Investments Realty.

10 4.

11 At all times herein relevant, Respondents engaged in the business of, acted in the
12 capacity of, advertised or assumed to act as real estate brokers in the State of California within
13 the meaning of Code Sections 10131(b). Their activities included soliciting listings of places
14 for rent, soliciting for prospective tenants, and/or management of residential rental real property
15 for and on behalf of others for compensation.

16 FIRST CAUSE OF ACCUSATION

17 (Failure to Retain Records)

18 5.

19 Between August 27, 2014, and November 18, 2014, the Bureau began an
20 investigation to examine, audit, inspect and copy Respondents' books, records and accounts
21 regarding Respondents' real estate transactions as part of a Bureau audit of VIRI and FAN.

22 6.

23 Respondents failed to retain the books, accounts, and records regarding any real
24 estate transactions and refused to make such records available to the Real Estate
25 Commissioner's representative, to wit: the auditor, in violation of Code Section 10148.

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1 7.

2 The conduct of Respondents, as alleged above, is in violation of Code Section
3 10148, and subjects the real estate licenses and license rights of Respondents VIRI and FAN to
4 suspension or revocation pursuant to Code Sections 10177(d) and/or 10177(g).

5 SECOND CAUSE OF ACCUSATION

6 (Dissolution of Corporation Status – VIRI)

7 8.

8 On or about June 22, 2012, Respondent FAN made application to the
9 Department of Real Estate for a corporate real estate broker license for VIRI. At the time of
10 that application, Respondent FAN provided documentation to the Bureau that VIRI was an
11 active corporation in good standing with the California Secretary of State, and the license was
12 issued. Subsequently, the corporation was dissolved and the corporate status of VIRI with the
13 Secretary of State is now indicated as dissolved.

14 9.

15 The conduct of Respondent VIRI as alleged above, is in violation of Regulation
16 2742(c) and subjects its real estate license and license rights to suspension or revocation
17 pursuant to Code Section 10177(d) and 10177(f).

18 THIRD CAUSE OF ACCUSATION

19 (Failure to Supervise – FAN)

20 10.

21 Based on the conduct alleged in paragraphs 5, 6, and 8, above, Respondent FAN
22 failed to exercise reasonable supervision over the activities of VIRI to ensure compliance with
23 the Real Estate Laws and the Commissioner's Regulations in violation of Code Sections
24 10159.2, 10177(h), 10177(g) and Regulation 2725.

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11.

The conduct, acts and omissions of Respondent FAN as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent FAN pursuant to Code Sections 10177(d), 10177(g), and/or 10177(h).

12.

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

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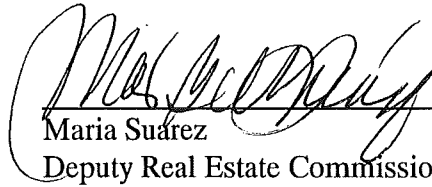
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the licenses and license rights of Respondents AYRA LIN FAN,
4 and VICTORVILLE INVESTMENTS REALTY, INC. under the Real Estate Law (Part 1 of
5 Division 4 of the Business and Professions Code), for the costs of investigation and
6 enforcement as provided by law, and for such other and further relief as may be proper under
7 other applicable provisions of law.

8 Dated at Los Angeles, California: 6 April 2015.

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12 Maria Suarez
13 Deputy Real Estate Commissioner
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24 cc: Victorville Investments Realty, Inc.
25 Ayra Lin Fan
26 Maria Suarez
27 Sacto.
Audits - Lisa Kwong