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FILED

DEC 21 2015

BUREAU OF REAL ESTATE

By *Carl Delouis*

7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 DANIELLE H. PURCELL,

13 Respondent.

No. H-40071 LA

ACCUSATION

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15 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
16 California, for cause of Accusation against DANIELLE H. PURCELL, alleges as follows:

17 1.

18 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
19 California, makes this Accusation in her official capacity.

20 2.

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.

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LICENSE HISTORY

3.

Respondent DANIELLE H. PURCELL (“PURCELL” or “D.O. PURCELL”) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate broker, license ID 01063725. Respondent PURCELL was originally licensed by the Bureau as a salesperson on February 8, 1990, and as a broker on September 27, 2004. Respondent PURCELL is the designated officer of record for Team Laguna Inc. until February 27, 2017. Respondent PURCELL maintains no branch offices of record. Respondent PURCELL holds the following DBAs under her BRE license: onlyinlaguna.com; The Rental Queen; Team Aliso Viejo; Team Beach Cities; Team Corona Del Mar; Team Irvine; Team Laguna; Team Laguna Niguel; and Team Newport Coast. PURCELL’s BRE license was suspended for sixty (60) days (stayed) on January 8, 2010 in BRE Case No. H-35830 LA, for violation of Code Sections 10145 and Regulations 2831, 2831.1, and 2831.2.

BROKERAGE

4.

At all times mentioned in Laguna Beach, California, Respondent PURCELL acted as a real estate broker, and ordered, caused, authorized or participated in licensed activities within the meaning of (1) Code Section 10131(a), by selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the purchase, sale or exchange of real property or a business opportunity (“real estate sales”) and (2) Code Section 10131(b), wherein PURCELL engaged in property management activities, and leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collected rent

1 from real property, or improvements thereon, or from business opportunities (“property
2 management”).

3 5.

4 PURCELL represented both buyers and sellers in her real estate sales activities.
5 During the audit examination period, PURCELL closed approximately twenty (20) sales
6 transactions with a total aggregate value of approximately \$9,000,000.00.

7 6.

8 PURCELL managed twelve (12) residential properties for seven (7) owners, and
9 was involved in both short and long term rentals. PURCELL charged a management fee between
10 five percent (5%) and eight percent (8%) of the rents collected, and, in the seven months leading
11 into the audit examination period, handled approximately \$2,298,000.00 of trust funds.

12 AUDIT OF DANIELLE H. PURCELL.

13 (LA 140193)

14 7.

15 On November 13, 2015, the Bureau completed an audit examination of the books
16 and records of Respondent PURCELL pertaining to the property management activities described
17 in Paragraphs 4 and 6 above, which require a real estate license. The audit examination covered
18 a period of time beginning on June 1, 2012 and ending on February 1, 2013 (hereinafter “audit
19 examination period”), and was performed between June 15, 2015 and October 12, 2015 (“field
20 work period”). The final report of November 13, 2015 revealed violations of the Code and the
21 Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report
22 LA 140193. The Bureau conducted a separate audit of PURCELL’s real estate sales activities.

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1 Bank Account

2 8.

3 During the audit examination period described in Paragraph 7 above, Respondent
4 PURCELL accepted or received funds including funds in trust (“trust funds”) from or on behalf
5 of actual or prospective parties, including tenants and property owners, and thereafter made
6 deposits or disbursements of such funds. During the examination period PURCELL deposited
7 and/or maintained said trust funds relating to its property management activities in the following
8 accounts:

9 Bank Account 1 (“B/A 1”)

10 * Account Title: Only in Laguna DBA Team Laguna

11 * Bank: Wells Fargo Bank, Ventura, CA

12 * Account # xxxxx5269

13 * Sole Owner: Danielle Purcell

14 * Signatories: Danielle Purcell, Kate C. Keast (BRE license ID 01384284)

15 * Date Opened: 03/06/12

16 * Date Closed: 02/04/13

17 Violations of the Real Estate Law

18 9.

19 In the course of activities as described in Paragraphs 4 and 6, above, and during
20 the examination period described in Paragraph 7, Respondent PURCELL acted in violation of the
21 Code and the Regulations, as described below:

22 A. **Trust Fund Handling.** According to the records provided by PURCELL for
23 B/A 1, utilized for trust funds received and disbursed for her property management activities,
24 PURCELL transferred funds totaling \$25,612.08 from B/A 1 to Wells Fargo Bank Account
25 #XXXXXXXX2697 without first obtaining authorization from the owners of the trust funds,
26 in violation of **Code Section 10145(a)**. The transfers were made on the following dates for the
27 following amounts:

Date	Amount	Method	Destination Account
12/31/12	\$ 2,350.00	Transfer	XXXXXXXX2697
12/31/12	\$ 3,800.00	Transfer	XXXXXXXX2697
12/31/12	\$ 9,831.58	Transfer	XXXXXXXX2697
1/2/13	\$ 9,500.00	Transfer	XXXXXXXX2697
1/11/13	\$ 130.50	Transfer	XXXXXXXX2697
Total	\$25,612.08		

B. Trust Fund Handling – Account Designations. According to the bank records provided by PURCELL for B/A 1, utilized for trust funds received and disbursed for her property management activities, B/A 1 was not designated as trust account, nor was PURCELL named as a trustee on the accounts, in violation of **Code Section 10145 and Regulation 2832.**

C. Trust Fund Handling - Monthly Written Reconciliation for Separate Records. PURCELL maintained a monthly written reconciliation of all separate record balances of all trust funds received and disbursed for B/A 1; however, PURCELL failed to maintain an accurate and complete monthly reconciliation comparing the balance of all the separate records to the balance of the control record of the trust funds received and disbursed, in violation of **Code Section 10145 and Regulation 2831.2.** According to the records provided by PURCELL, there was a trust fund shortage of <\$1,251.00> in B/A 1 as of June 15, 2015, at the beginning of the audit field work period; subsequent to the audit field work period, PURCELL provided a corrected reconciliation on October 16, 2015, and the trust fund shortage as of that date was \$0.00.

D. False or Fictitious Business Name. According to the bank records provided by PURCELL for B/A 1, PURCELL used unlicensed fictitious business names “Only in Laguna DBA Team Laguna.” in connection with her property management activities without first

1 obtaining a license from the Bureau bearing such fictitious business name, in violation of **Code**
2 **Section 10159.5 and Regulation 2731.**

3 **E. Responsibility of Corporate Officer/Broker – Failure to Supervise**

4 **(GREENE).** The acts and/or omissions of PURCELL, as described in Paragraphs 9A. through
5 9D. above, demonstrate a failure to adequately supervise the property management activities of
6 her employees under her individual broker license. Respondent PURCELL failed to establish
7 policies, rules, procedures and systems to review, oversee, inspect and manage the handling of
8 trust funds in her property management activities. Respondent PURCELL failed to maintain
9 accurate and complete monthly written reconciliations for separate records and used an
10 unlicensed fictitious business name on an account in which trust funds relating to her property
11 management activities were deposited and could be withdrawn. These acts and/or failures to act
12 constitute grounds for the suspension or revocation of the license and license rights of
13 Respondent PURCELL under the provisions of **Code Sections 10159.2 and 10177(h) and**
14 **Regulation 2725.**

15 **Additional Violations of the Real Estate Law**

16 10.

17 The overall conduct of Respondent PURCELL is violative of the Real Estate Law
18 and constitutes cause for the suspension or revocation of the real estate licenses and license rights
19 of PURCELL under the provisions of **Code Sections 10177(g)** for negligence and **10177(d)** for
20 willful disregard of the Real Estate Law.

21 **COSTS**

22 11.

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

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

3 12.

4 Code Section 10148(b) provides, in pertinent part, the Commissioner shall charge
5 a real estate broker for the cost of any audit, if the Commissioner has found in a final decision
6 following a disciplinary hearing that the broker has violated Code section 10145 or a regulation
7 or rule of the Commissioner interpreting said section.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
9 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
10 action against the license and license rights of Respondent DANIELLE H. PURCELL under the
11 Real Estate Law (Part 1 of vision 4 of the Business and Professions Code), for the cost of
12 investigation and enforcement as permitted by law, and for such other and further relief as may
13 be proper under other provisions of law, and for costs of audit.

14 Dated at Los Angeles, California

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16
17 this 21st day of December, 2015.

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19 
20 Maria Suarez
21 Deputy Real Estate Commissioner

22
23
24 cc: Danielle H. Purcell
25 Sacto.
26 Audits – Isabel Beltran