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BUREAU OF REAL ESTATE

By John Aguirre

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-40264 LA
)	
ALLAN VON HAASUM,)	<u>A C C U S A T I O N</u>
)	
Respondent.)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, acting in her official capacity for cause of Accusation against ALLAN VON HAASUM is informed and alleges as follows:

1.

All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

2.

Respondent ALLAN VON HAASUM is licensed by the Bureau as a real estate broker. Respondent was originally licensed as a real estate salesperson on September 26, 1994, and as a real estate broker on August 2, 2007. Respondent's real estate broker license is due to expire on August 1, 2019. At all times relevant to this Accusation, Respondent maintained the licensed fictitious business names, "Sell Express Real Estate," and "Express Mortgage Finance."

1 3.

2 At all times mentioned, in the City of Riverside, County of Riverside, Respondent
3 engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate
4 broker within the meaning of Code Section 10131(b). His activities included soliciting listings
5 of places for rent, soliciting for prospective tenants, and/or management of residential rental real
6 property for and on behalf of others for compensation.

7 4.

8 On December 29, 2015, the Bureau completed an audit examination of the books
9 and records of Respondent with regard to the real estate activities described in paragraph 3,
10 above. The audit examination covered the period of time from January 1, 2013, to September
11 30, 2015. The primary purpose of the examination was to determine Respondent's compliance
12 with the Real Estate Law. The audit examination revealed numerous violations of the Code and
13 the Regulations as set forth in the following paragraphs, and more fully discussed in Audit
14 Report SD 150010 and the exhibits and work papers attached to said audit report.

15 Bank and Trust Account

16 5.

17 At all times herein relevant, in connection with the activities described in
18 Paragraph 3, above, Respondent accepted or received funds, including funds to be held in trust
19 (hereinafter "trust funds"), from or on behalf of actual or prospective parties in connection with
20 real property management activities. From time to time during the audit period, said trust funds
21 were deposited and/or maintained in the following bank account:

22 Allan Von Haasum Sell Express Real Estate Trust Account
23 Account No. 067XXXXX (Redacted for security)
24 Bank of America
Riverside, CA

25 (T/A 1 – trust account used to deposit and disburse trust funds for all property owners)

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1 Violations

2 6.

3 With respect to the licensed activities referred to in Paragraph 3, and the audit
4 examination including the exhibits and work papers referenced in Paragraph 4, it is alleged that
5 Respondent:

6 (a) Permitted, allowed or caused the disbursement of trust funds from bank
7 account T/A 1 to fall to an amount which, as of March 31, 2015, was \$1,169.69 less than the
8 existing aggregate trust fund liability to the owners of said funds, without first obtaining the prior
9 written consent of the owners of said funds in violation of Code Section 10145 and Regulation
10 2832.1;

11 (b) Failed to maintain an accurate control record of the deposit and disbursal
12 of trust funds in T/A 1 in violation of Code Section 10145 and Regulation 2831;

13 (c) Failed to maintain a separate record for each beneficiary of trust funds in
14 violation of Code Section 10145 and Regulation 2831.1;

15 (d) Failed to perform a monthly reconciliation of the separate record to the
16 control record of trust funds handled in violation of Code Section 10145 and Regulation 2831.2;

17 (e) Made unauthorized disbursements of \$500.00, and collected unearned
18 management fees of \$115.00 in violation of Code Sections 10145, 10176(j), and 10176(g);

19 (f) Failed to retain records in violation of Code Section 10148; and

20 (g) Failed to exercise reasonable supervision over the activities of the property
21 management operation and over its employees, to ensure compliance with the Real Estate Laws
22 and the Commissioner's Regulations in violation of Code Sections 10159.2 and 10177(h) and
23 Regulation 2725.

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7.

The conduct of Respondent described in Paragraph 6, above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
6(a)	Code Section 10145 Regulation 2832.1
6(b)	Code Section 10145 Regulation 2831
6(c)	Code Section 10145 Regulation 2831.1
6(d)	Code Section 10145 Regulation 2831.2
6(e)	Code Sections 10145, 10176(j), and 10176(g)
6(f)	Code Section 10148
6(g)	Code Sections 10159.2 and 10177(h) Regulation 2725

Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Code Sections 10176(j), 10176(g), 10177(d), 10177(g), and/or 10177(h).

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8.

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

9.

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.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondent ALLAN VON HAASUM under the Real Estate Law, for the costs of investigation and enforcement as provided by law, for costs of the audit, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California: May 18, 2016.

V. Kilpatrick
Veronica Kilpatrick
Supervising Special Investigator

cc: Allan Von Hassum
Veronica Kilpatrick
Sacto
Audits – Zaky Wanis