

FILED

JAN 19 2017

BUREAU OF REAL ESTATE

By *A. Deloris*

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9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) No. H-40518 LA
13 MELVIN KIM BISH,) ACCUSATION
14 Respondent.)
15 _____)

16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
17 of California, for cause of Accusation against MELVIN KIM BISH ("Respondent"), is
18 informed and alleges as follows:

19 1.

20 The Complainant, Maria Suarez, acting in her official capacity as a Supervising
21 Special Investigator of the State of California, makes this Accusation against MELVIN KIM
22 BISH.

23 2.

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

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1 LICENSE HISTORY

2 3.

3 At all times mentioned, Respondent was licensed and/or had license rights
4 issued by the Bureau of Real Estate ("Bureau") as a real estate broker. Respondent was
5 originally licensed as a real estate broker on August 3, 1978.

6 BROKERAGE

7 MELVIN KIM BISH

8 4.

9 At all times mentioned, in the City of Santa Barbara, County of Santa Barbara,
10 Respondent acted as a real estate broker, conducting licensed activities within the meaning of
11 Code Section 10131(b): leasing or renting real property for others.

12 AUDIT

13 MELVIN KIM BISH

14 5.

15 On April 29, 2016, the Bureau completed an audit examination of the books and
16 records of Respondent pertaining to the activities described in Paragraph 4 which require a real
17 estate license. The audit examination covered a period of time from January 1, 2014, to
18 March 23, 2016. The audit examination revealed violations of the Code and the Regulations as
19 set forth in the following paragraphs, and as more fully discussed in Audit
20 Report LA 150123 and the exhibits and workpapers attached to said audit report.

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1 VIOLATIONS OF THE REAL ESTATE LAW

2 6.

3 In the course of activities described in Paragraph 4 above and during the
4 examination period described in Paragraph 5 above, Respondent acted in violation of the Code
5 and the Regulations in that:

6 (a) As of January 29, 2016, Respondent had a trust fund shortage in one trust
7 fund account in the amount of \$131.00. The shortage was due to withdrawals of unearned fees
8 or commissions. There was no evidence that Respondent had written consent from the owners
9 of the trust funds to reduce the balance of trust funds to an amount less than the aggregate trust
10 fund liabilities, in violation of Code Section 10145 and Regulation 2832.1.

11 (b) As of March 23, 2016, Respondent had a trust fund shortage in another
12 trust fund account in the amount of \$80.00. The shortage was due to a withdrawal from an
13 automated teller machine. There was no evidence that Respondent had written consent from
14 the owners of the trust funds to reduce the balance of trust funds to an amount less than the
15 aggregate trust fund liabilities, in violation of Code Section 10145 and Regulation 2832.1.

16 (c) Respondent did not maintain a complete and accurate control record or
17 general ledger of all trust funds received and disbursed in connection with Respondent's
18 property management activities, in violation of Code Section 10145 and Regulation 2831.

19 (d) Respondent did not maintain a complete and accurate separate record of
20 all trust funds received and disbursed for each beneficiary in connection with Respondent's
21 property management activities, in violation of Code Section 10145 and Regulation 2831.1.

22 (e) Respondent did not perform and maintain a monthly reconciliation of all
23 the separate records with the control record of all trust funds received and disbursed, in
24 violation of Code Section 10145 and Regulation 2831.2.

25 (f) Respondent withdrew unearned fees or commissions from trust funds in
26 the amount of \$1,675.00 without written consent from the owner of the trust funds, in violation
27 of Code Sections 10145, 10176(i), and 10177(j).

1 7.

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

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

11 The foregoing violations constitute cause for the suspension or revocation of all
12 the real estate licenses and license rights of Respondent pursuant to the provisions of Code
13 Sections 10176(i), 10177(d), 10177(g), and/or 10177(j).

14 8.

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

19 9.

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

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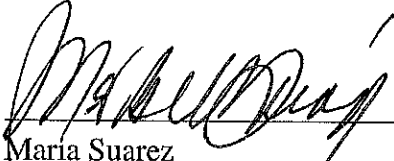
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the real estate licenses and license rights of Respondent MELVIN KIM BISH under the Real Estate Law, for the cost of audit, investigation, and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 10th day of January, 2017.



Maria Suarez
Supervising Special Investigator

cc: MELVIN KIM BISH
Maria Suarez
Sacto.
Audits