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NOV 15 2017

BUREAU OF REAL ESTATE

By *[Signature]*

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9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

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

16 This Accusation amends the Accusation filed on January 19, 2017. The
17 Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, for
18 cause of Accusation against MELVIN KIM BISH ("Respondent"), is informed and alleges as
19 follows:

20 1.

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

24 2.

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

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LICENSE HISTORY

3.

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

BROKERAGE

MELVIN KIM BISH

4.

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

FIRST CAUSE OF ACTION

AUDIT

MELVIN KIM BISH

5.

On April 29, 2016, the Bureau completed an audit examination of the books and records of Respondent pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examination covered a period of time from January 1, 2014, to March 23, 2016. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit 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)

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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 SECOND CAUSE OF ACTION

15 RECEIVING COMMISSION UNDER AGREEMENT WITHOUT SPECIFIED END DATE

16 8.

17 On or about March 10, 2013, Respondent entered into a Commission Agreement
18 with Marion Sanborn to lease real property located at 272 Carlo Street, Goleta, CA 93117. The
19 Commission Agreement did not contain a definite, specified date of final and complete
20 termination. The Commission Agreement provided that Respondent receive five percent (5%)
21 commission from the actual monthly rent paid. On September 16, 2014, Respondent claimed
22 or demanded a fee, compensation, or commission under the Commission Agreement.
23 Respondent received a fee, compensation, or commission under the Commission Agreement on
24 or about October 19, 2014, November 8, 2014, December 8, 2014, January 9, 2015,
25 February 4, 2015, and February 19, 2015.

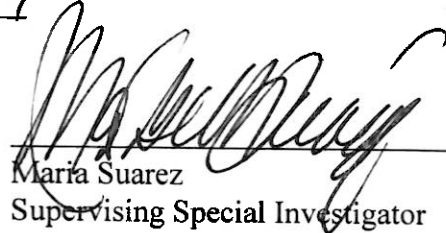
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the real estate licenses and license rights of Respondent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

7
8 Dated at Los Angeles, California

9 this 14th day of December 2017

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11 
12 Maria Suarez
13 Supervising Special Investigator

14 cc: MELVIN KIM BISH
15 Maria Suarez
16 Sacto.
17 Audits
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