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OCT 11 2017

BUREAU OF REAL ESTATE

By CDLorio

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

LA'S BEST PROPERTY MANAGEMENT, INC.;  
ROSARIO PERRY, individually and as designated  
officer of LA's Best Property Management, Inc.;  
and VANESSA PINEDA,

Respondents.

No. H-40813 LA

ACCUSATION

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, acting in her official capacity, for cause of Accusation against LA'S BEST PROPERTY MANAGEMENT, INC. ("LBPMI"), ROSARIO PERRY ("PERRY"), individually and as designated officer of LA's Best Property Management, Inc., and VANESSA PINEDA ("PINEDA"), is informed and alleges as follows:

1.

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

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2.

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

3.

a. LBPMI is presently licensed and/or issued by the Bureau of Real Estate as a real estate corporation (license no. 01871815). LBPMI was originally licensed on or about November 24, 2009 and remains licensed to date. LBPMI has the following DBAs with the Bureau of Real Estate: la property management, lapropertymanagement, lapropertymgmt, Los Angeles Property Management Services, and Los Angeles Property Sales. From on or about November 24, 2009 to July 21, 2014, LBPMI's designated officer was Steven Matthew Tease (license no. 01345721). From on or about October 13, 2015 to May 6, 2016 and from July 17, 2016 through the present, LBPMI's designated officer has been PERRY. LBPMI did not have a designated officer from on or about July 21, 2014 to October 12, 2015 and from on or about May 7, 2016 to July 16, 2016.

b. PERRY is presently licensed and/or issued by the Bureau of Real Estate as a real estate broker (license no. 00530389). PERRY has been licensed as a real estate broker from on or about December 10, 1984 to December 9, 1988, November 19, 1990 to November 18, 1994, September 28, 1995 to September 27, 2003, March 26, 2004 to March 25, 2008, May 7, 2008 to May 6, 2016, and July 18, 2016 through the present. PERRY has been the designated officer of LBPMI from on or about October 13, 2015 to May 6, 2016 and from July 17, 2016 through the present.

c. PINEDA is presently licensed and/or issued by the Bureau of Real Estate as a real estate salesperson (license no. 01810936). PINEDA has owned LBPMI from August 12, 2011 through the present.

1 4.

2 At all times mentioned, in Los Angeles County, LBPMI and PERRY engaged in  
3 the business of real estate brokers conducting licensed activities within the meaning of Code  
4 section 10131(b). LBPMI and PERRY engaged in operating a real property management  
5 company by leasing, renting, and/or offering to rent places for rent, soliciting for prospective  
6 tenants, and/or collecting rents from real property.

7  
8 (Trust Fund Audit)

9 5.

10 On or about July 14, 2016, the Bureau of Real Estate completed an audit  
11 examination of the books and records of LBPMI to determine whether LBPMI handled and  
12 accounted for trust funds and conducted its real estate activities in accordance with the Real  
13 Estate Law and Regulations. The audit examination covered a period of time beginning on  
14 August 1, 2013 and ending on February 29, 2016. The audit examination revealed violations of  
15 the Code and the Regulations set forth in the following paragraphs, and more fully discussed in  
16 Audit Report LA150113 and the exhibits and work papers attached to said audit report.

17 Trust Account

18 6.

19 At all times mentioned, in connection with the activities described in Paragraph  
20 4, above, LBPMI and PERRY accepted or received funds including funds in trust ("trust  
21 funds") from or on behalf of actual or prospective parties, such as sellers and buyers of real  
22 property, and thereafter made deposits and/or disbursements of such funds. From time to time  
23 herein mentioned, during the audit period, said trust funds were deposited and/or maintained by  
24 LBPMI and PERRY in the trust account as follows:

25 ///

26 \*\*\*\*\*7292  
27

1 Comerica Bank  
2 4040 Lincoln Blvd.  
3 Marina Del Rey, CA 90292-4993 (T/A #1)

4 \*\*\*\*\*9146  
5 Comerica Bank  
6 4040 Lincoln Blvd.  
7 Marina Del Rey, CA 90292-4993 (T/A #2)

8 \*\*\*\*\*5125  
9 Comerica Bank  
10 4040 Lincoln Blvd.  
11 Marina Del Rey, CA 90292-4993 (T/A #3)

12 \*\*\*\*\*9211  
13 Comerica Bank  
14 4040 Lincoln Blvd.  
15 Marina Del Rey, CA 90292-4993 (T/A #4)

16 7.

17 In the course of activities described in Paragraphs 4 and 6, above, and during the  
18 audit examination period in Paragraph 5, above, Respondents LBPMI, PERRY, and PINEDA  
19 acted in violation of Code sections 10176(a) (making substantial misrepresentation), 10176(b)  
20 (making false promises), 10176(i) (fraud or dishonest dealing), and 10177(j) (fraud or dishonest  
21 dealing) based on the following:

22 a. From on or about July 21, 2014 to October 12, 2015, LBPMI and  
23 PINEDA performed licensed acts requiring a real estate license without a designated officer, in  
24 violation of Code section 10130. Also during this time, the control records maintained for  
25 single beneficiary accounts T/A #1, T/A #2, and T/A #4 were not accurate.

26 b. PERRY failed to notify the Bureau of Real Estate that PINEDA worked  
27 for LBPMI during the audit period October 13, 2015 to February 29, 2016 until March 30,  
2016, in violation of Code section 10161.8 and Regulations section 2752.

1 c. LBPMI and PERRY failed to notify the Bureau of Real Estate that  
2 LBPMI and PERRY delegated day-to-day supervision and oversight responsibility to PINEDA  
3 during the audit period, in violation of Code section 10164.

4 d. PERRY was not an authorized signer for T/A #1, T/A #2, T/A #3, and  
5 T/A #4, and PINEDA was the authorized signer for T/A #1, T/A #2, T/A #3, and T/A #4  
6 without written authorization from PERRY, in violation of Code section 10145 and  
7 Regulations section 2834.

8 e. LBPMI and PERRY failed to maintain an accurate control record in the  
9 form of a columnar record in chronological order of all trust funds received, deposited, and  
10 disbursed for T/A #2 and T/A #4, in violation of Code section 10145 and Regulations section  
11 2831.

12 f. LBPMI used the unlicensed fictitious business names, Los Angeles  
13 Property Management, Inc., Los Angeles Property Management, and LA's Best Property  
14 Management, during the audit period without first obtaining a license from the Bureau of Real  
15 Estate bearing such fictitious business names, in violation of Code section 10159.5 and  
16 Regulations section 2731.

17 g. PERRY failed to exercise reasonable supervision and control over the  
18 licensed activities of LBPMI to ensure compliance with the Real Estate Law and Regulations,  
19 and is cause for discipline of the real estate license and real estate license rights of Respondent  
20 PERRY pursuant to the Code sections 10159.2 and 10177(h) and Regulations section 2725.

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1 8.

2 The conduct of Respondents LBPMI, PERRY, and/or PINEDA described in  
3 Paragraph 7, above, violated the Code and the Regulations as set forth below:

4 PARAGRAPH PROVISIONS VIOLATED

5 7(a) Code section 10130

6 7(b) Code section 10161.8 and Regulations section 2752

7 7(c) Code section 10164

8 7(d) Code section 10145 and Regulations section 2834

9 7(e) Code section 10145 and Regulations section 2831

10 7(f) Code section 10159.5 and Regulations section 2731

11 7(g) Code sections 10159.2 and 10177(h) and Regulations section 2725

12 The foregoing violations constitute cause for discipline of the real estate license and license  
13 rights of LBPMI, PERRY, and/or PINEDA under the provisions of Code sections 10177(d),  
14 10177(g), and 10177(h).

15  
16 (COSTS)

17 8.

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

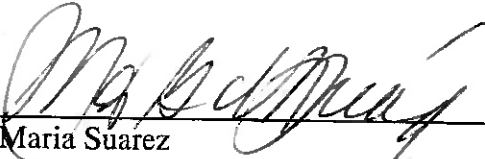
23 9.

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

3 WHEREFORE, Complainant prays that a hearing be conducted on the  
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
5 disciplinary action against the license and license rights of LA'S BEST PROPERTY  
6 MANAGEMENT, INC., ROSARIO PERRY, individually and as designated officer of LA's  
7 Best Property Management, Inc., and VANESSA PINEDA under the Real Estate Law (Part 1 of  
8 Division 4 of the California Business and Professions Code), for the cost of investigation and  
9 enforcement pursuant to Code section 10106 and as permitted by law, and for such other and  
10 further relief as may be proper under other applicable provisions of law, including costs of audit  
11 pursuant to Code section 10148(b).

12 Dated at Los Angeles, California: 6 October, 2017.

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15 Maria Suarez  
16 Deputy Real Estate Commissioner

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23 cc: LA's Best Property Management, Inc.  
24 Rosario Perry  
25 Vanessa Pineda  
26 Sacto  
27 Enforcement  
Audits – Anitha Wijaya