

1 STEVE CHU, Counsel (SBN 238155)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 620-6430
6 Fax: (213) 576-6917

FILED

8/13/18

DEPARTMENT OF REAL ESTATE

By *At Delou*

7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-41135 LA
13)
14 W E FINANCIAL INC, doing business as) A C C U S A T I O N
15 Beach Cities Escrows, JJC Financial, and)
16 RE/MAX Select One, STUART JOHN)
17 THOMAS, individually and as designated)
18 officer of W E Financial Inc, and)
19 KIMBER LEE WUERFEL.)
20 Respondents.)
21)

22 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
23 of California, for cause of Accusation against W E FINANCIAL INC, doing business as Beach
24 Cities Escrows, JJC Financial, and RE/MAX Select One, STUART JOHN THOMAS,
25 individually and as designated officer of W E Financial Inc, and KIMBER LEE WUERFEL,
26 ("Respondents"), is informed and alleges as follows:

27 1.

28 The Complainant, Maria Suarez, acting in her official capacity as a Supervising
29 Special Investigator of the State of California, makes this Accusation against Respondents
30 W E FINANCIAL INC, STUART JOHN THOMAS, and KIMBER LEE WUERFEL.

Accusation of W E Financial Inc, Stuart John Thomas, and Kimber Lee Wuerfel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.

LICENSE HISTORY

3.

3(a) At all times mentioned, Respondent W E FINANCIAL INC ("W E FINANCIAL") was licensed and/or had license rights issued by the Department of Real Estate ("Department") as a corporate real estate broker.

3(b) At all times mentioned, Respondent STUART JOHN THOMAS ("THOMAS") was licensed and/or had license rights issued by the Department as a real estate broker.

3(c) At all times mentioned, Respondent W E FINANCIAL is licensed by the Department as a corporate real estate broker by and through Respondent THOMAS, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of W E FINANCIAL, or by W E FINANCIAL'S officers, agents and employees.

3(d) At all times mentioned, Respondent KIMBER LEE WUERFEL ("WUERFEL") was licensed and/or had license rights issued by the Department as a real estate salesperson.

BROKERAGE

W E FINANCIAL INC

4.

At all times mentioned, in the City of Huntington Beach, County of Orange, Respondent W E FINANCIAL acted as a real estate broker, conducting licensed activities within the meaning of Code section 10131, subdivision (a) (sells, buys, or negotiates the purchase, sale or exchange of real property) and subdivision (b) (leases or rents real property for others).

1 FIRST CAUSE OF ACTION

2 AUDIT

3 W E FINANCIAL INC

4 5.

5 On June 26, 2017, the Department completed audit examinations of the books
6 and records of Respondent W E FINANCIAL pertaining to the activities described in
7 Paragraph 4 which require a real estate license. The audit examinations covered a period of
8 time from July 1, 2014, to April 30, 2017. The audit examinations revealed violations of the
9 Code and the Regulations as set forth in the following paragraphs, and as more fully discussed
10 in Audit Report LA160164 and LA160179 and the exhibits and workpapers attached to said
11 audit report.

12 AUDIT VIOLATIONS OF THE REAL ESTATE LAW

13 6.

14 In the course of activities described in Paragraph 4 above and during the
15 examination periods described in Paragraph 5 above, Respondents W E FINANCIAL,
16 THOMAS, and WUERFEL acted in violation of the Code and the Regulations in that:

17 6(a) A Wells Fargo Bank account used by Respondents W E FINANCIAL
18 and WUERFEL for property management trust funds was not designated as a trust account, in
19 violation of Code section 10145 and Regulations section 2832.

20 6(b) On or about May 12, 2017, Respondent W E FINANCIAL withdrew
21 more than \$200 of money from a City National Bank trust fund account that contained trust
22 funds, and the withdrawal was in the form of a check made payable to Respondent THOMAS,
23 in violation of Code section 10176(e) and Regulations section 2835.

24 ///

25 ///

26 ///

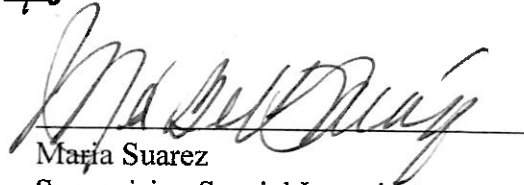
27 ///

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, 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 the 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 all the licenses, license endorsements, and license rights of Respondents W E FINANCIAL INC, STUART JOHN THOMAS, and KIMBER LEE WUERFEL 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 9th day of August, 2018.


Maria Suarez
Supervising Special Investigator

cc: W E FINANCIAL INC
STUART JOHN THOMAS
KIMBER LEE WUERFEL
Maria Suarez
Sacto.
Audits