

**FILED**

**MAY 21 2019**

**DEPT. OF REAL ESTATE**  
By *AD Selous*

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

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-41365 LA  
12 )  
13 ERLIN CASAS, ) ACCUSATION  
14 Respondent. )  
15 )

16 The Complainant, Brenda Smith, a Supervising Special Investigator of the State  
17 of California, acting in her official capacity, for cause of Accusation against Respondent  
18 ERLIN CASAS (“CASAS”), is informed and alleges as follows:

19 1.

20 The Complainant, Brenda Smith, acting in her official capacity as Supervising  
21 Special Investigator of the State of California, makes this Accusation.

22 2.

23 All references to the “Code” are to the California Business and Professions  
24 Code, and all references to “Regulations” are to Title 10, Chapter 6, California Code of  
25 Regulations unless otherwise specified.

26 ///

1 3.

2 Respondent CASAS is presently licensed and/or has license rights issued by the  
3 Department of Real Estate as a real estate broker (license no. 01360505). CASAS was  
4 originally licensed as a real estate broker on or about January 5, 2009, and has been so licensed  
5 since then. Prior to having a real estate broker license, Respondent CASAS had a real estate  
6 salesperson license. From on or about June 2, 2011 through the present, CASAS had the  
7 fictitious business name, "Maya Properties," registered with the Department of Real Estate.  
8 From on or about December 9, 2011 through the present, CASAS had the fictitious business  
9 name, "Maya Property Management," registered with the Department of Real Estate. CASAS  
10 has not had any other fictitious business names registered with the Department of Real Estate.  
11 From on or about February 9, 2013 to February 9, 2017, Respondent CASAS was the  
12 designated officer of Arielyn, Inc., a real estate corporation (license no. 01928563).<sup>1</sup>

13 4.

14 At all times mentioned, in Bakersfield County, CASAS engaged in the business  
15 of a real estate broker conducting licensed activities within the meaning of Code section  
16 10131(b). CASAS engaged in operating a real property management company by leasing,  
17 renting, and/or offering to rent places for rent, soliciting for prospective tenants, and/or  
18 collecting rents from real property.

19  
20 (Trust Fund Audit)

21 5.

22 On or about January 23, 2018, the Department of Real Estate completed an audit  
23 examination of the books and records of CASAS to determine whether CASAS handled and  
24 accounted for trust funds and conducted its real estate activities in accordance with the Real  
25

26  
27 <sup>1</sup> Arielyn, Inc.'s real estate license expired on February 8, 2017. Arielyn, Inc. no longer has any  
license or license rights with the Department of Real Estate.

1 Estate Law and Regulations. The audit examination covered a period of time beginning on July  
2 1, 2016 and ended on July 31, 2017. The audit examination revealed violations of the Code and  
3 the Regulations set forth in the following paragraphs, and more fully discussed in Audit Report  
4 FR16-0079 (PM) and the exhibits and work papers attached to said audit report.

5  
6 Bank Account/Trust Account

7 6.

8 At all times mentioned, in connection with the activities described in Paragraph  
9 5, above, CASAS accepted or received funds including funds in trust ("trust funds") from or on  
10 behalf of actual or prospective parties, such as owners of real property, involved in property  
11 management services, and thereafter made deposits and/or disbursements of such funds. From  
12 time to time herein mentioned, during the audit period, said trust funds were deposited and/or  
13 maintained by CASAS in the bank account as follows:

14 "Arielyn Inc DBA Maya Properties Or Maya Properties Management"

15 \*\*\*\*\*8950

16 JP Morgan Chase Bank

17 1515 17th St.

18 Bakersfield, CA 93301

(B/A 1)

19 7.

20 In the course of activities described in Paragraphs 4 and 5, above, and during the  
21 audit examination period in Paragraph 6, above, Respondent CASAS acted in violation of the  
22 Code and the Regulations as set forth below:

23 (a) Permitted, allowed, or caused the disbursement of trust funds from the  
24 trust account B/A 1 where the disbursement of funds reduced the total of aggregate funds in  
25 B/A 1, to an amount which, on June 30, 2017, was at least \$6,715.84 less than the existing  
26 aggregate trust fund liability to every principal who was an owner of said funds, without first  
27

1 obtaining the prior written consent of the owners of said funds, in violation of Code section  
2 10145 and Regulations section 2832.1.

3 (b) Failed to maintain an accurate and complete separate record for each  
4 beneficiary or transaction, thereby failing to account for all trust funds received, deposited, and  
5 disbursed from B/A 1, in violation of Code section 10145 and Regulations section 2831.1.

6 (c) Failed to designated B/A 1 as a trust account in the name of CASAS as  
7 trustee, in violation of Code section 10145 and Regulations section 2832.

8 (d) Failed to perform and maintain a monthly reconciliation of the balance of  
9 all separate beneficiary or transaction records to the record of all trust funds received and  
10 disbursed for B/A 1, in violation of Code section 10145 and Regulations section 2831.2.

11 (e) Failed to maintain a control record (or Pass Through Ledger) of all trust  
12 funds collected but not deposited into a trust account maintained by CASAS, in violation of  
13 Code section 10145 and Regulations section 2831. CASAS collected trust funds on behalf of  
14 Cortez Equities LLC and deposited them into an account maintained by Cortez Equities LLC,  
15 but did not maintain a ledger of the funds handled.

16 8.

17 The conduct of Respondent CASAS described in Paragraph 7, above, violated  
18 the Code and the Regulations as set forth below:

19 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
20 7(a)	Code section 10145 and Regulations section 2832.1
21 7(b)	Code section 10145 and Regulations section 2831.1
22 7(c)	Code section 10145 and Regulations section 2832
23 7(d)	Code section 10145 and Regulations section 2831.2
24 7(e)	Code section 10145 and Regulations section 2831

25 The foregoing violations constitute cause for discipline of the real estate license and license  
26 rights of CASAS under the provisions of Code sections 10177(d) and 10177(g).

27

1 COSTS

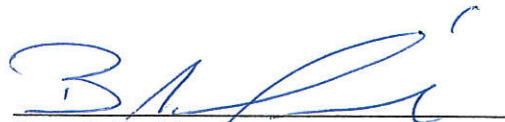
2 9.

3 Code section 10106 provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding before the department, the Commissioner may request  
5 the administrative law judge to direct a licensee found to have committed a violation of this part  
6 to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

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

11 WHEREFORE, Complainant prays that a hearing be conducted on the  
12 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
13 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of  
14 Division 4 of the California Business and Professions Code) of Respondent ERLIN CASAS,  
15 for the cost of investigation and enforcement as permitted by law, audit costs as permitted by  
16 law, and for such other and further relief as may be proper under applicable provisions of law.

17 Dated at Fresno, California: 5-10-19.

18  
19   
20 Brenda Smith  
21 Supervising Special Investigator

22  
23  
24 cc: Erlin Casas  
25 Brenda Smith  
26 Sacto  
27 Enforcement  
Audits – Joshua Matkin