



1 2.

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

4 LICENSE HISTORY

5 3.

6 Respondent WESTERN SANDS MANAGEMENT, INC. ("WESTERN  
7 SANDS") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the  
8 Code as a corporate real estate broker. On August 5, 2019, WESTERN SANDS'S license  
9 expired. Pursuant to Code section 10201, WESTERN SANDS retains renewal rights for two  
10 years. The Department of Real Estate ("Department") holds jurisdiction over the lapsed  
11 license, pursuant to Code section 10103.

12 4.

13 Respondent JEFF A BURGESS ("BURGESS") presently has license rights as a  
14 real estate broker.

15 5.

16 Respondent WESTERN SANDS was licensed by the Department as a corporate  
17 real estate broker by and through Respondent BURGESS, as the designated officer and broker  
18 responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real  
19 estate license conducted on behalf of WESTERN SANDS, or by WESTERN SANDS'S  
20 officers, agents and employees.

21 BROKERAGE

22 WESTERN SANDS MANAGEMENT, INC.

23 6.

24 At all times mentioned, in the City of Yucca Valley, County of San Bernardino,  
25 Respondent WESTERN SANDS acted as a real estate broker, conducting licensed activities  
26 within the meaning of Code section 10131(b) (leases or rents real property for others).

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1 FIRST CAUSE OF ACTION

2 FAILURE TO RETAIN RECORDS

3 7.

4 Respondent WESTERN SANDS acted in violation of the Code and the  
5 Regulations in that a subpoena was served to WESTERN SANDS for the production of books  
6 and records related to the property management activities conducted by WESTERN SANDS.  
7 WESTERN SANDS failed to retain and make available for examination, copying, and  
8 inspection the books, accounts, and records related to WESTERN SANDS'S property  
9 management activities, in violation of Code section 10148, which constitutes cause for the  
10 suspension or revocation of all the real estate licenses, license endorsements, and license rights  
11 of WESTERN SANDS pursuant to Code sections 10177(d) and 10177(g).

12 SECOND CAUSE OF ACTION

13 SUPERVISION AND COMPLIANCE

14 8.

15 The conduct, acts, or omissions of Respondent BURGESS, as described in  
16 Paragraph 7 above, in failing to ensure compliance of the Real Estate Law by Respondent  
17 WESTERN SANDS, is in violation of Code section 10159.2 and Regulations section 2725, and  
18 subjects all the real estate licenses, license endorsements, and license rights of BURGESS to  
19 suspension or revocation pursuant to Code sections 10177(d), 10177(g), and/or 10177(h).

20 9.

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

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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, license endorsements, and license rights  
4 of Respondents WESTERN SANDS MANAGEMENT, INC. and JEFF A BURGESS under the  
5 Real Estate Law, for the cost of audit, investigation, and enforcement as permitted by law, and  
6 for such other and further relief as may be proper under other applicable provisions of law.  
7

8 Dated at San Diego, California

9 this 9 day of August, 2019

10  
11   
12 Veronica Kilpatrick  
13 Supervising Special Investigator

14 cc: WESTERN SANDS MANAGEMENT, INC.  
15 JEFF A BURGESS  
16 Veronica Kilpatrick  
17 Sacto.  
18 Audits  
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