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FILED

DEC 06 2022

DEPT. OF REAL ESTATE

By 

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-42335 LA
13)
14 DAVID JOHN HASER,) A C C U S A T I O N
15)
16 Respondent.)
17)

18 The Complainant, Ruth Corral, a Supervising Special Investigator of the
19 State of California, for cause of Accusation against DAVID JOHN HASER ("Respondent"), is
20 informed and alleges as follows:

21 1.

22 The Complainant, Ruth Corral, acting in her official capacity as a Supervising
23 Special Investigator of the State of California, makes this Accusation against Respondent
24 DAVID JOHN HASER.

25 2.

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

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LICENSE HISTORY

3.

Respondent DAVID JOHN HASER presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.

BROKERAGE

DAVID JOHN HASER

4.

At all times mentioned, in the City of Los Angeles, County of Los Angeles, Respondent acted as a real estate broker, conducting licensed activities within the meaning of Code section 10131(d) (solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured by real property) and California Financial Code section 17006(a)(4) (broker escrow activities).

AUDIT

DAVID JOHN HASER

5.

On July 27, 2021, the Department of Real Estate ("Department") completed audit examinations of the books and records of Respondent pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examinations covered a period of time from August 1, 2019, to September 30, 2020. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA200041 and the exhibits and workpapers attached to said audit report.

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1 6.

2 Respondent accepted or received funds in trust ("trust funds"). Thereafter,
3 Respondent made deposits and or disbursements of such trust funds. During the examination
4 period described in Paragraph 5 above, Respondent deposited or maintained trust funds in the
5 following bank accounts:

6 Bank Account 1: Bank of Hope account ending in 078.

7 Bank Account 2: Bank of Hope account ending in 051.

8 AUDIT VIOLATIONS OF THE REAL ESTATE LAW

9 7.

10 In the course of activities described in Paragraph 4 above and during the
11 examination period described in Paragraph 5 above, Respondent acted in violation of the Code
12 and the Regulations in that:

13 7(a) Respondent met the threshold criteria and failed to timely submit the
14 required Quarterly Trust Fund Status Reports to the Department within 30 days from the end of
15 the quarter for the quarters ending on March 30, 2020, and June 30, 2020, in violation of Code
16 section 10232.25 and Regulations section 2846.8. Respondent untimely submitted the
17 Quarterly Trust Fund Status Report for the quarter ending on March 30, 2020, on or about
18 August 31, 2020, and untimely submitted the Quarterly Trust Fund Status Report for the quarter
19 ending on June 30, 2020, on or about October 19, 2020.

20 7(b) Respondent did not maintain a complete and accurate control record of
21 all trust funds received and disbursed, in violation of Code section 10145 and Regulations
22 section 2831.

23 7(c) Respondent did not maintain a complete and accurate separate record of
24 all trust funds received and disbursed for each beneficiary in connection with Respondent's
25 brokerage activities, in violation of Code section 10145 and Regulations section 2831.1.

7(d) Respondent did not perform and maintain a monthly reconciliation of all the separate records with the control record of all trust funds received and disbursed, in violation of Code section 10145 and Regulations section 2831.2.

7(e) Respondent did not maintain loan servicing agreements that satisfy the requirements of Code section 10238(k), in violation of Code section 10233(a).

7(f) Respondent did not provide a lender purchaser disclosure statement to all lenders as early as practicable before the lender became obligated to make the loan or purchase and before the receipt of or the disbursement of the lender's funds, in violation of Code sections 10232.4 and 10232.5, and Regulations section 2846.

7(g) Respondent met the threshold criteria and failed to timely submit the required escrow activity report within 60 days following the completion of the calendar year 2019, in violation of Code section 10141.6.

7(h) On or about May 13, 2021, a subpoena was served to Respondent for the production of books and records related to the brokerage activities conducted by Respondent. Respondent failed to retain and make available for examination, copying, and inspection the books, accounts, and records related to Respondent's brokerage activities for the audit period, in violation of Code section 10148.

7(i) The conduct, acts, or omissions of Respondent, as described in Paragraph 7, in failing to ensure compliance of the Real Estate Law by Respondent's officers, agents and employees, is in violation of Regulations section 2725.

8.

The conduct, acts, or omissions of Respondent, described in Paragraph 7 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
7(a)	Code section 10232.25 and Regulations section 2846.8
7(b)	Code section 10145 and Regulations section 2831

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7(c)	Code section 10145 and Regulations section 2831.1
7(d)	Code section 10145 and Regulations section 2831.2
7(e)	Code section 10233(a)
7(f)	Code sections 10232.4 and 10232.5, and Regulations section 2846
7(g)	Code section 10141.6
7(h)	Code section 10148
7(i)	Regulations section 2725

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the Real Estate Law pursuant to the provisions of Code sections 10177(d) and 10177(g).

SECOND CAUSE OF ACTION

FAILURE TO SUBMIT QUARTERLY TRUST FUND STATUS REPORTS

9.

Respondent met the threshold criteria and failed to submit the required Quarterly Trust Fund Status Reports to the Department within 30 days from the end of the quarter for the quarters ending on March 31, 2021, June 30, 2021, September 30, 2021, and March 31, 2022, in violation of Code section 10232.25 and Regulations section 2846.8, which constitutes cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent to suspension or revocation pursuant to Code sections 10177(d) and 10177(g).

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13.

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 Respondent DAVID JOHN HASER 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 Sacramento, California

this 6th day of December, 2022



Ruth Corral
Supervising Special Investigator

cc: DAVID JOHN HASER
Ruth Corral
Sacto.
Audits

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