

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

5
6
7
8
9 Telephone: (213) 620-6430
10 Fax: (213) 576-6917

FILED

DEC 15 2023

DEPT. OF REAL ESTATE

By [REDACTED]

11
12
13
14
15
16
17 BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

18 In the Matter of the Accusation of) No. H-42778 LA
19)
20 BELLA VISTA PROPERTY) ACCUSATION
21 MANAGEMENT INCORPORATED and)
22 KEVIN ISAMU HIRAI, individually)
23 and as designated officer of Bella Vista)
24 Property Management Incorporated,)
25)
26 Respondents.)
27 _____)

18 The Complainant, Jason Parson, a Supervising Special Investigator of the State
19 of California, for cause of Accusation against BELLA VISTA PROPERTY MANAGEMENT
20 INCORPORATED and KEVIN ISAMU HIRAI, individually and as designated officer of Bella
21 Vista Property Management Incorporated (“Respondents”), is informed and alleges as follows:

22 1.

23 The Complainant, Jason Parson, acting in his official capacity as a Supervising
24 Special Investigator of the State of California, makes this Accusation against Respondents
25 BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU
26 HIRAI.

27 ///

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

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.

Respondent BELLA VISTA PROPERTY MANAGEMENT INCORPORATED (“BELLA VISTA”) presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.

4.

Respondent KEVIN ISAMU HIRAI (“HIRAI”) presently has license rights as a real estate broker.

5.

From October 25, 2021, to the present, Respondent BELLA VISTA is licensed by the Department of Real Estate (“Department”) as a corporate real estate broker by and through Respondent HIRAI, 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 BELLA VISTA, or by BELLA VISTA’S officers, agents and employees.

6.

From March 24, 2011, to the March 3, 2020, Respondent BELLA VISTA was licensed by the Department as a corporate real estate broker by and through Kenneth E Hirai, 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 BELLA VISTA, or by BELLA VISTA'S officers, agents and employees.

7.

From March 4, 2020, to October 24, 2021, Respondent BELLA VISTA was licensed by the Department but not affiliated with a designated officer.

111

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

BROKERAGE

BELLA VISTA PROPERTY MANAGEMENT INCORPORATED

8.

4 At all times mentioned, in the City of Torrance, County of Los Angeles,
5 Respondent BELLA VISTA acted as a real estate broker, conducting licensed activities within
6 the meaning of Code section 10131(b) (leases or rents real property for others).

AUDIT

BELLA VISTA PROPERTY MANAGEMENT INCORPORATED

9.

10 On February 22, 2023, the Department completed audit examinations of the
11 books and records of Respondent BELLA VISTA pertaining to the activities described in
12 Paragraph 8 which require a real estate license. The audit examinations covered a period of
13 time from March 3, 2020, to January 31, 2023. The audit examinations revealed violations of
14 the Code and the Regulations as set forth in the following paragraphs, and as more fully
15 discussed in Audit Report LA220010 and the exhibits and workpapers attached to said audit
16 report.

10.

Trust Account 1: Pacific Western Bank account ending in 722.

Bank Account 2: Pacific Western Bank account ending in 682.

24 | //

25 | //

26 | //

27 | //

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

FIRST CAUSE OF ACTION

AUDIT VIOLATIONS OF THE REAL ESTATE LAW

11.

In the course of activities described in Paragraph 8 above and during the examination period described in Paragraph 9 above, Respondent BELLA VISTA acted in violation of the Code and the Regulations in that:

19 11(d) Respondent allow non-licensee John Maceri to be an authorized signer
20 and make withdrawals from bank account 2 used by Respondent for trust funds and Respondent
21 failed to maintain a fidelity bond or insurance coverage at least equal to the maximum amount
22 of the trust funds to which the employee had access at any time, in violation of Code
23 section 10145 and Regulations section 2834.

24 | //

25 //

26 //

27

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

12.

2 The conduct, acts, or omissions of Respondent BELLA VISTA, described in
3 Paragraph 11 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
11(a)	Code section 10145 and Regulations section 2832.1
11(b)	Code section 10145 and Regulations section 2831.2
11(c)	Code section 10145 and Regulations section 2832
11(d)	Code section 10145 and Regulations section 2834

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

12 **SECOND CAUSE OF ACTION**

13 **NO DESIGNATED OFFICER OF CORPORATE REAL ESTATE BROKER**

14 13.

15 From March 4, 2020, to October 24, 2021, Respondent BELLA VISTA, as
16 described in Paragraphs 3 through 12 above, performed acts requiring a real estate license when
17 BELLA VISTA was not affiliated with a designated officer, in violation of Code
18 sections 10130 and 10158 and Regulations section 2740, which constitutes cause under Code
19 sections 10177(d), 10177(g), and 10177(h) for the suspension or revocation of all the licenses,
20 license endorsements, and license rights of BELLA VISTA.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

THIRD CAUSE OF ACTION

FAILURE TO SUPERVISE

14.

The conduct, acts, or omissions of Respondent HIRAI, as described in Paragraphs 3 through 12 above, in failing to ensure compliance of the Real Estate Law by BELLA VISTA, is in violation of Code section 10159.2 and Regulations section 2725, and constitutes cause under Code sections 10177(d), 10177(g), and 10177(h) for the suspension or revocation of all the licenses, license endorsements, and license rights of HIRAI.

15.

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

16.

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.

20 | //

21 | //

22 | //

23 | //

24 | //

25 | //

26

27

Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

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 licenses, license endorsements, and license rights of
4 Respondents BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN
5 ISAMU HIRAI under the Real Estate Law, for the cost of audit, investigation, and enforcement
6 as permitted by law, and for such other and further relief as may be proper under other
7 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 14th day of December, 2023

Jason Parson
Supervising Special Investigator

15 cc: BELLA VISTA PROPERTY MANAGEMENT INCORPORATED
16 KEVIN ISAMU HIRAI
17 Jason Parson
Sacto.
Audits