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FILED

DEC 15 2023

DEPT. OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-42778 LA
)	
BELLA VISTA PROPERTY)	<u>A C C U S A T I O N</u>
MANAGEMENT INCORPORATED and)	
KEVIN ISAMU HIRAI, individually)	
and as designated officer of Bella Vista)	
Property Management Incorporated,)	
)	
Respondents.)	
_____)	

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

1.

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

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Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

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

9 4.

10 Respondent KEVIN ISAMU HIRAI ("HIRAI") presently has license rights as a
11 real estate broker.

12 5.

13 From October 25, 2021, to the present, Respondent BELLA VISTA is licensed
14 by the Department of Real Estate ("Department") as a corporate real estate broker by and
15 through Respondent HIRAI, as the designated officer and broker responsible, pursuant to Code
16 section 10159.2, for supervising the activities requiring a real estate license conducted on
17 behalf of BELLA VISTA, or by BELLA VISTA'S officers, agents and employees.

18 6.

19 From March 24, 2011, to the March 3, 2020, Respondent BELLA VISTA was
20 licensed by the Department as a corporate real estate broker by and through Kenneth E Hirai, as
21 the designated officer and broker responsible, pursuant to Code section 10159.2, for
22 supervising the activities requiring a real estate license conducted on behalf of BELLA VISTA,
23 or by BELLA VISTA'S officers, agents and employees.

24 7.

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

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Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

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BROKERAGE

BELLA VISTA PROPERTY MANAGEMENT INCORPORATED

8.

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

AUDIT

BELLA VISTA PROPERTY MANAGEMENT INCORPORATED

9.

On February 22, 2023, the Department completed audit examinations of the books and records of Respondent BELLA VISTA pertaining to the activities described in Paragraph 8 which require a real estate license. The audit examinations covered a period of time from March 3, 2020, to January 31, 2023. 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 LA220010 and the exhibits and workpapers attached to said audit report.

10.

Respondent BELLA VISTA accepted or received funds in trust ("trust funds"). Thereafter, Respondent made deposits and or disbursements of such trust funds. During the examination period described in Paragraph 9 above, Respondent deposited or maintained trust funds in the following bank accounts:

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

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

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1 FIRST CAUSE OF ACTION

2 AUDIT VIOLATIONS OF THE REAL ESTATE LAW

3 11.

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

7 11(a) As of January 31, 2023, Respondent had a trust fund shortage in the
8 amount of \$12,249.49 in Trust Account 1. Respondent did not have written consent from the
9 owners of the trust funds to reduce the balance of trust funds to an amount less than the
10 aggregate trust fund liabilities, in violation of Code section 10145 and Regulations
11 section 2832.1. Respondent cured the shortage on or about February 15, 2023.

12 11(b) Respondent did not perform and maintain a monthly reconciliation of all
13 the separate records with the control record of all trust funds received and disbursed, in
14 violation of Code section 10145 and Regulations section 2831.2.

15 11(c) Bank account 2 used by Respondent for trust funds was not designated as
16 a trust account and was not in the name of Respondent as trustee or a fictitious name held by
17 Respondent's real estate license as trustee, in violation of Code section 10145 and Regulations
18 section 2832.

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.

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Accusation of BELLA VISTA PROPERTY MANAGEMENT INCORPORATED and KEVIN ISAMU HIRAI

12.

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

PARAGRAPH

PROVISIONS VIOLATED

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

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

SECOND CAUSE OF ACTION

NO DESIGNATED OFFICER OF CORPORATE REAL ESTATE BROKER

13.

From March 4, 2020, to October 24, 2021, Respondent BELLA VISTA, as described in Paragraphs 3 through 12 above, performed acts requiring a real estate license when BELLA VISTA was not affiliated with a designated officer, in violation of Code sections 10130 and 10158 and Regulations section 2740, which 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 BELLA VISTA.

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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.

8
9 Dated at Los Angeles, California

10 this 14th day of December, 20 23

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12 _____
13 Jason Parson
14 Supervising Special Investigator

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