

1 JUDITH A. BURANDAY, Counsel (SBN 278115)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Direct: (213) 576-6904
6 Fax: (213) 576-6917
7 Email: Judith.Buranday@dre.ca.gov
8 *Attorney for Complainant*

FILED
AUG 13 2024
DEPT. OF REAL ESTATE
By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation Against) No. H-42908 LA
13 DANIEL JOEL FISHER, doing) ACCUSATION
14 business as Park Place Realty,)
15 Respondent.)
16 _____)

17 The Complainant, Jason Parson, a Supervising Special Investigator of the State
18 of California, for cause of Accusation against DANIEL JOEL FISHER (“Respondent”) alleges
19 as follows:

20 1.

21 The Complainant, Jason Parson, a Supervising Special Investigator of the State
22 of California, makes this Accusation in his official capacity.

23 2.

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

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1 LICENSE HISTORY

2 3.

3 a. Respondent DANIEL JOEL FISHER is presently licensed and/or has license
4 rights under the Code, as a real estate broker, Department of Real Estate (“Department”)
5 license ID 01228516.

6 b. The Department originally issued Respondent’s broker license on August 13,
7 2002. Respondent’s broker license is scheduled to expire on August 12, 2026, unless renewed.

8 c. Respondent maintains the fictitious business name “Park Place Realty” with
9 the Department.

10 d. On or about February 25, 2020, in Case No. H-41621 LA, the Complainant
11 Maria Suarez, in her official as a Supervising Special Investigator of the State of California,
12 issued an Accusation against Respondent. The Accusation alleged violations of the Code and
13 Regulations relating to an audit of Respondent’s property management activities. On or about
14 November 19, 2020, the Real Estate Commissioner issued a Decision adopting the parties’
15 executed Stipulation and Agreement, effective December 22, 2020, ordering, in part, the
16 suspension of Respondent’s real estate license for sixty (60) days, thirty (30) days of which
17 were stayed with a payment of a monetary penalty, and the remaining thirty (30) days were
18 stayed under certain terms and conditions.

19 CAUSE FOR ACCUSATION

20 AUDIT EXAMINATION – AUDIT NO. LA230028

21 4.

22 At all times relevant herein Respondent was engaged in the business of a real
23 estate broker within the meaning of Code section 10131(b) by leasing or renting or offering to
24 lease or rent, or placing for rent, or soliciting listings of places for rent, or soliciting for
25 prospective tenants, or negotiating the sale, purchase or exchanges of leases on real property, or
26 on a business opportunity, or collecting rents from real property, or improvements thereon, or
27 from business opportunities (“property management”).

ACCUSATION

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5.

On or about January 18, 2024, the Department completed an audit examination of the books and records of Respondent pertaining to the real estate activities described in Paragraph 4 above. The audit examination covered the period of time from January 1, 2022, through August 31, 2023 (“audit period”). The primary purpose of the examination was to determine Respondent’s compliance with the Real Estate Law and to determine whether Respondent corrected the violations found in the previous audit in Case No. H-41621 LA. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit No. LA230028 and the exhibits and work papers attached to said audit report.

6.

According to Respondent and the documents examined, Respondent managed approximately thirty (30) properties for about thirty (30) owners during the audit period. Respondent collected and deposited rents and made disbursements for compensation.

7.

At all times mentioned herein, and in connection with the property management activities described in Paragraph 4 above, Respondent accepted or received funds during the audit period, including funds in trust (“trust funds”) from or on behalf of the owners of the properties managed by Respondent, and thereafter made deposits and/or disbursements of such funds. Respondent maintained one (1) bank account, Account No. xxxxx3901 (“B/A-1”), for handling of the receipts and disbursements of rents in connection with his property management activities and one (1) bank account, Account No. xxxx9364 (“T/A-1”), for handling of security deposit trust funds in connection with Respondent’s property management activities.

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1 VIOLATIONS

2 8.

3 The audit examination revealed violations of the Code and the Regulations, as
4 set forth in the following paragraphs, and more fully discussed in Audit No. LA230028 and the
5 exhibits and work papers attached to the audit report:

6 **(a) Handling of Trust Funds/Trust Fund Handling for Multiple Beneficiaries (Code**
7 **section 10145 and Regulations section 2832.1).**

8 As of August 31, 2023, B/A-1 had a shortage of \$7,511.66 due to negative
9 property balances totaling \$4,844.53, bank charges totaling \$407.89, unauthorized
10 disbursements totaling \$941.27, and an unidentified amount of \$1,317.97.

11 As of August 31, 2023, T/A-1 had a shortage of \$1,430.00 due to negative
12 property balances totaling \$1,400.00 and bank charges/wire fees totaling \$30.00. T/A-1 also
13 had an unidentified and unaccounted for amount of \$97.52.

14 Respondent did not provide any evidence that the owners of the trust funds had
15 given their written consent to allow him to reduce the balance of funds in B/A-1 and T/A-1 to
16 an amount less than the existing aggregate trust fund liabilities.

17 On or about January 4, 2024, Respondent made a deposit into B/A-1 totaling
18 \$7,511.66 and a deposit into T/A-1 totaling \$1,430.00 to cure the total trust fund shortage. Both
19 deposits were made from Respondent's general business account.

20 **(b) Handling of Trust Funds/Separate Record for Each Beneficiary of Transaction (Code**
21 **section 10145 and Regulations section 2831.1).**

22 Respondent failed to maintain a separate record for the unidentified and
23 unaccounted for funds held in T/A-1 totaling \$97.52.

24 **(c) Trust Account Reconciliation (Code section 10145 and Regulations section 2831.2).**

25 Respondent failed to perform and maintain a monthly reconciliation comparing
26 the balance of all the separate records to the balance of the control record for B/A-1 and T/A-1
27 in connection with Respondents property management activities during the audit period.

ACCUSATION

1 Further, Respondent failed to reconcile the unidentified and unaccounted for
2 funds held in T/A-1 totaling \$97.52.

3 **(d) Trust Fund Handling/Unauthorized Disbursements (Code section 10145).**

4 Respondent made unauthorized disbursements from B/A-1 totaling \$941.27 as
5 of August 31, 2023. Said funds were disbursed from B/A-1 in March 2023 and July 2023 and
6 caused a shortage in B/A-1 through August 31, 2023. According to Respondent, the
7 unauthorized disbursements of trust funds were made in error and should have been disbursed
8 from the general business account.

9 **(e) Trust Fund Handling/Trust Account Designation (Code section 10145 and Regulations**
10 **section 2832).**

11 According to the bank signature card for B/A-1, the account was not designated
12 as a trust account. On or about October 18, 2023, the bank changed the account title of B/A-1
13 to "Daniel J Fisher DBA Park Place Realty – Trust Account."

14 9.

15 Each of the foregoing violations in Paragraphs 8(a)-(e) above constitute cause
16 for the suspension or revocation of the real estate license and/or license rights of Respondent
17 under the provisions of Code sections 10177(d) and/or 10177(g).

18 COSTS

19 AUDIT COSTS

20 10.

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

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1 INVESTIGATION AND ENFORCEMENT COSTS

2 11.

3 Section 10106 of the Code, 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
6 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
7 case.

8 WHEREFORE, Complainant prays that a hearing be conducted on the
9 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
10 disciplinary action against all the licenses and/or license rights of Respondent DANIEL JOEL
11 FISHER, doing business as Park Place Realty, under the Real Estate Law, for the costs of
12 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
13 and further relief as may be proper under other applicable provisions of law.

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15 Dated at Los Angeles, California this 12th day of August, 2024.

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18 _____
19 Jason Parson
20 Supervising Special Investigator

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25 cc: DANIEL JOEL FISHER
26 Jason Parson
27 Sacto.
Audits – Zaky Wanis

ACCUSATION