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FILED

DEC 29 2025

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-43228 LA
)	
BRAHMS HOLDINGS INC, and)	<u>ACCUSATION</u>
TROYER THEODORE GUY, individually)	
and as designated officer of Brahms Holdings Inc,)	
)	
Respondent(s).)	

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California, for cause of Accusation against BRAHMS HOLDINGS INC and TROYER THEODORE GUY (collectively "Respondents") alleges as follows:

1.

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

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.

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ACCUSATION

1 LICENSE HISTORY

2 3.

3 (BRAHMS HOLDINGS INC)

4 (a) Respondent BRAHMS HOLDINGS INC ("BHI") is presently licensed
5 and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California
6 Business and Professions Code, as a real estate corporation ("REC"), Department license ID
7 01893839.

8 (b) The Department originally issued BHI's REC license on or about January
9 12, 2011. BHI's REC license is scheduled to expire on January 11, 2027, unless renewed.

10 (c) According to the Department's records, BHI maintains authorized fictitious
11 business names "Balboa Escrow, A Non-Independent Broker Escrow" and "Brahms Escrow, a
12 division of KWNV, a non-independent broker escrow".

13 (d) According to the Department's records to date, BHI's main office address is
14 19300 Rinaldi St., Ste L, Porter Ranch, CA 91326.

15 (e) According to the Department's records to date, BHI employs approximately
16 21 broker associates and 297 salespersons under its real estate license.

17 4.

18 (TROYER THEODORE GUY)

19 (a) Respondent TROYER THEODORE GUY ("GUY") is presently licensed
20 and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California
21 Business and Professions Code, as a real estate broker ("REB"), Department license ID
22 01130264.

23 (b) The Department originally issued GUY's REB license on or about August
24 13, 2004. GUY's license is scheduled to expire on August 12, 2028, unless renewed.

25 (c) According to the Department's records, since approximately January 12,
26 2023, GUY was, and currently is, designated officer for BHI.

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1 5.

2 (PRIOR DISCIPLINE)

3 On or about January 25, 2022, BHI and the Department entered into a
4 stipulation and agreement ("stipulation and agreement") to citation and fine (Case No. H-41698
5 LA). BHI, among others, agreed to pay the Department a \$2,500 fine for violations as well as
6 payment of the Department's investigative, enforcement, audit and follow-up audit costs. The
7 June 16, 2020 accusation alleged that BHI, and others, violated the following real estate laws,
8 pursuant to an audit examination completed on or about July 25, 2019 (Audit LA180058):

9 (a) Code Section 10145 and Regulations Sections 2832.1, 2950, and 2951 –
10 Trust Fund Handling for Multiple Beneficiaries (shortages);

11 (b) Code Section 10145 and Regulation Sections 2831, 2950, and 2951 - Trust
12 Fund Records to be Maintained (inaccurate/incomplete control records);

13 (c) Code Section 10145 and Regulation Sections 2831.1, 2950, and 2951 –
14 Separate Records for Each Beneficiary or Transaction (inaccurate/incomplete separate records);
15 and

16 (d) Code Section 10145 and Regulation Sections 2834 and 2951 – Trust
17 Account Withdrawals (non-employee made withdrawals from trust accounts).

18 LICENSED ACTIVITIES

19 6.

20 At all times relevant herein Respondents were engaged in the business of, acted
21 in the capacity of, advertised or assumed to act as a real estate corporation, within the meaning
22 of Section 10131(a) of the Code. Respondents' activities included, but not limited to, broker-
23 controlled escrows through BHI under the exemption set forth in California Financial Code
24 section 17006(a)(4) for real estate brokers performing escrows incidental to a real estate
25 transaction where the broker is a party and where the broker is performing acts for which a real
26 estate license is required.

27 ///

7.

(AUDIT LA240043)

On or about August 14, 2025, the Department completed an audit examination of the books and records of Respondents pertaining to the broker escrow activities described in Paragraph 6 above. The audit examination covered the period of time from February 1, 2023 through November 30, 2024 ("audit period"). The primary purpose of the examination was to determine whether Respondents conducted real estate activities that complied with the terms of the stipulation and agreement in Case No. H-41698 LA as well as the Real Estate Law. 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. LA240043, and the exhibits and work papers attached to said audit report.

8.

At all times mentioned herein, and in connection with the broker escrow activities described in Paragraph 7, above, Respondents accepted or received funds, including funds in trust ("trust funds") from or on behalf of actual or prospective parties to transactions handled by Respondents and thereafter made deposits and/or disbursements of such funds. According to the documents provided, Respondents maintained three (3) bank account for handling of the receipts and disbursements of funds during the audit period in connection with the broker escrow activities as well as a general account for business purposes. The bank accounts are as follows:

Trust Account 1 ("TA 1")

Bank:	Banc of California
Account Name:	Brahms Holdings Inc
	Porter Ranch Brahms Escrow Trst
Account Number:	xxxxxxxx4299
Signatories:	Troyer Theodore Guy (DRE license No. 01130264); Albert L Meggers (non-licensee); Baldwin Salazar (DRE license No. 01493157); Audrey

De Chellis (DRE license No. 01862384); Amber Z Carr (DRE license No. 01947367)

Signatures Required: One

Purpose: TA 1 was maintained to handle trust funds in the broker escrow activities. TA 1 was opened on December 6, 2019.

Trust Account 2 ("TA 2")

Bank: Banc of California

Account Name: Brahms Holdings Inc

Porter Ranch Brahms Escrow Trust #2

Account Number: xxxxxxxx9458

Signatories: Troyer Theodore Guy (DRE license No. 01130264); Albert L Meggers (non-licensee); Baldwin Salazar (DRE license No. 01493157); Audrey De Chellis (DRE license No. 01862384); Amber Z Carr (DRE license No. 01947367)

Signatures Required: One

Purpose: TA 2 was maintained to handle trust funds in the broker escrow activities. TA 2 was opened on May 20, 2020.

Trust Account 3 ("TA 3")

Bank: Mission Bank

Account Name: Brahms Holdings Inc

DBA Keller Williams Realty Porter Ranch

Porter Ranch Escrow Trust

Account Number: xxxxxxxx7593

Signatories: Troyer Theodore Guy (DRE license No. 01130264); Baldwin Salazar (DRE license No. 01493157); Audrey De Chellis (DRE license No. 01862384); Amber Z Carr (DRE license No. 01947367); Daisy Lucatero (DRE license No. 02081928)

Signatures Required: One

Purpose: TA 3 was maintained to handle trust funds in the broker escrow activities. TA 3 was opened on December 18, 2023.

Violations of the Real Estate Law

9.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. LA240043, and the exhibits and work papers attached to the audit report:

(a) **Trust Fund Accountability and Balances (Code Section 10145 and Regulations Sections 2832.1, 2950, and 2951)**. Based on an examination of TA 1's records, there was a combined minimum trust fund shortage of \$3,418.58 as of November 30, 2024 in violation of Code Section 10145 and Regulations Sections 2832.1, 2950, and 2951.

Based on an examination of TA 2's records, there was a combined minimum trust fund shortage of \$1,494.16 as of November 30, 2024 in violation of Code Section 10145 and Regulations Sections 2832.1, 2950, and 2951.

Based on an examination of TA 3's records, there was a combined minimum trust fund shortage of \$150,014.41 as of November 30, 2024 in violation of Code Section 10145 and Regulations Sections 2832.1, 2950, and 2951.

(b) **Trust Fund Records to be Maintained / When Broker Handles Escrow (Code Section 10145 and Regulations Sections 2831, 2950, and 2951)**. Based on an examination of TA 2's records, Respondents failed to maintain complete and accurate columnar record for all trust funds received and disbursed (control record) in TA 2, which were used for Respondents' broker escrow activities during the audit period in violation of Code Section 10145 and Regulations Sections 2831, 2950, and 2951.

Based on an examination of TA 3's records, Respondents failed to maintain complete and accurate columnar record for all trust funds received and disbursed (control

record) in TA 3, which were used for Respondents' broker escrow activities during the audit period in violation of Code Section 10145 and Regulations Sections 2831, 2950, and 2951.

(c) **Separate Records for Each Beneficiary or Transaction / When Broker Handles Escrow (Code Section 10145 and Regulations Sections 2831.1, 2950, and 2951).**

During the audit period, the separate records "Escrow Book Balance by Order Number Report" maintained for TA 1, TA 2, and TA 3 were inaccurate and incomplete in violation of Code Section 10145 and Regulations Sections 2831.1, 2950, and 2951.

Respondents failed to provide TA 1's separate records in connection with Respondents' broker escrow activities during the audit period available for the audit examination.

Based on an examination of TA 2 and TA 3's records, Respondent failed to maintain complete and accurate separate records for each beneficiary or transaction of all trust fund receipts and disbursements for TA 2 and TA 3 in connection with Respondent's broker escrow activities during the audit period in violation of Code Section 10145 and Regulations Section 2831.1, 2950, 2951.

(d) **Handling of Trust Fund / Trust Account Reconciliation / When Broker Handles Escrow (Code Section 10145 and Regulations Sections 2831.2 and 2951).** During the audit period, Respondents did not always maintain accurate and complete monthly reconciliation comparing the balance of all separate beneficiary or transaction records (separate records) with the record of all trust funds received and disbursed (control record) for TA 1, TA 2, and TA 3 in violation of Code Section 10145 and Regulations Sections 2831.2 and 2951.

(e) **Trust Fund Handling / When Broker Handles Escrow (Code Section 10145 and Regulations Sections 2834 and 2951).** Respondents allowed non-licensee Albert L Meggers to be a signer for TA 1 and TA 2, without sufficient fidelity bond coverage in violation of Code Section 10145 and Regulations Sections 2834 and 2951.

(f) **Handling of Trust Funds / When Broker Handles Escrow (Code Section 10145 and Regulations Section 2950).** Based on an examination of the records, Respondents

erroneously deposited \$150,014.41 trust funds into TA 2 instead of TA 3. Respondents deposited said trust funds without the written instructions of the party or parties paying the money into escrow in violation of Code Section 10145 and Regulations Section 2950.

(g) **Responsibility of Corporate Officer in Charge / Broker Supervision (Code Section 10159.2 and Regulations Section 2725)**. Based on the violations in Paragraphs 9 (a)-(f) above, Respondent GUY failed to exercise adequate supervision and control over BHI's broker escrow activities in violation of Code section 10159.2. Respondent GUY failed to provide established policies, rules, procedures, and systems to review, oversee, inspect, and manage transactions requiring a real estate license and the handling of trust funds in violation of Regulations section 2725.

Additional Violations of the Real Estate Law

10.

The overall conduct of Respondents violates the Real Estate Law and constitutes cause for the suspension or revocation of its real estate license and license rights under the provisions of **Code Section 10177(g)** for negligence and **Code Section 10177(d)** for willful disregard of the Real Estate Law.

11.

Each of the foregoing violations in Paragraphs 9 (a)-(g) above constitute cause for the suspension or revocation of the real estate license and/or license rights of Respondents under the provisions of Code sections 10177(d), 10177(g), and 10177(h) (as to GUY).

COSTS

(AUDIT COSTS)

12.

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

1 section. In addition, pursuant to the Stipulation and Agreement to Citation and Fine in Case No.
2 H-41698, Respondent BHI agreed to pay "the Commissioner's reasonable costs, not to exceed
3 \$8,684.00, for any subsequent audit to determine if Respondent BRAHMS HOLDINGS INC
4 has corrected the violations. . ."

5 (INVESTIGATION AND ENFORCEMENT COSTS)

6 13.

7 Section 10106 of the Code, provides, in pertinent part, that in any order issued in
8 resolution of a disciplinary proceeding before the Department, the Commissioner may request
9 the administrative law judge to direct a licensee found to have committed a violation of this
10 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
11 case.

12 PRAYER

13 WHEREFORE, Complainant prays that a hearing be conducted on the
14 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
15 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
16 Division 4 of the California Business and Professions Code) of Respondents BRAHMS
17 HOLDINGS INC and TROYER THEODORE GUY, for the cost of investigation and
18 enforcement as permitted by law, and for such other and further relief as may be proper under
19 applicable provisions of law.

20
21 Dated at Los Angeles, California this 18th day of December, 2025.

22 
23 _____
24 Ray Dagnino
25 Supervising Special Investigator

26 cc: BRAHMS HOLDINGS INC
27 TROYER THEODORE GUY
Sacto.
Audits – Guadalupe Barragan

ACCUSATION