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DEPARTMENT OF REAL ESTATE
By J. Teague

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-3512 FR
13 BEETHOVEN HOLDINGS,)
14 TROYER THEODORE GUY,) ACCUSATION
15 and HIALYS LEAL SOUSA,)
16 Respondents.)

17 The Complainant, RUBEN CORONADO, a Supervising Special Investigator of
18 the State of California, for cause of Accusation against BEETHOVEN HOLDINGS (BH),
19 TROYER THEODORE GUY (GUY), and HIALYS LEAL SOUSA (SOUSA) sometimes
20 collectively referred to as "RESPONDENTS," are informed and alleges as follows:

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22 The Complainant makes this Accusation in his official capacity.

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24 At all times herein mentioned, BH was and is presently licensed and/or has
25 license rights under the Real Estate Law, Part 1 of Division 4, of the California Business and
26 Professions Code (the Code) by the Department of Real Estate (the Department) as a corporate
27 real estate broker.

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At all times herein mentioned, GUY, was licensed as a real estate broker and the Designated Officer of BH.

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At all times herein mentioned, SOUSA was licensed and/or had license rights under the Code, as a real estate salesperson, except when his license was expired from April 29, 2022 until August 30, 2022.

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As the designated officer, GUY was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees, and employees of BH for which a real estate license is required.

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Whenever reference is made in an allegation in this Accusation to an act or omission of BH, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with BH committed such act or omission while BH engaged in furtherance of the business or operations of BH and while acting within the course and scope of their corporate authority and employment.

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At all times mentioned, RESPONDENTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

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1 FIRST CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 7, above, and incorporates the same,
4 herein, by reference.

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6 SOUSA, while acting under the license of BH and supervision of GUY,
7 conducted residential real estate resale transactions, including, but not limited to the following:

8 <u>Property:</u>	9 <u>Date Listed:</u>	10 <u>Close of Escrow:</u>
11 611 S. Los Angeles St., Tulare	12 2/15/22	13 6/2/22
14 2845 Lakeridge Court, Tulare	15 5/30/22	16 8/15/22
17 1480 W. Forrest Lake, Porterville	18 6/23/22	19 8/9/22
20 3225 W. Whitman Ave., Modesto	21 7/27/22	22 8/12/22
23 1320 Hall Avenue, Corcoran	24 8/23/22	25 10/26/22

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27 SOUSA'S real estate transaction activities on the Los Angeles St. Property
continued through June 2, 2022, which was during the April 29, 2022 to August 30, 2022
license expiration period.

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29 SOUSA'S real estate transaction activities on the Lakeridge Property began on
30 May 19, 2022, and ended with the June 2, 2022, which was during the April 29, 2022 to August
31 30, 2022 license expiration period.

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33 SOUSA'S real estate transaction activities on the W. Forrest Property began on
34 June 23, 2022, and continued through August 5, 2022, which included in the April 29, 2022 to
35 August 30, 2022 license expiration period.

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2 SOUSA'S real estate transaction activities on the West Whitman Property began
3 on July 29, 2022 and ended on August 11, 2022, which was within the April 29, 2022 through
4 August 30, 2022 license expiration period.

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6 SOUSA'S real estate transaction activities on the Hall Property began on August
7 23, 2022, which was within the April 29, 2022 to August 30, 2022 license expiration period.

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9 The facts alleged above violate Sections 10130 (license required) and 10131
10 (broker activity) of the Code and are grounds for the suspension or revocation of the licenses and
11 license rights of SOUSA under Sections 10130, 10177 (d) (violate real estate law) and 10177 (g)
12 (negligence/incompetence licensee) of the Code.

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15 The facts alleged above violate Sections 10137 (compensating non licensee) of
16 the Code and are grounds for the suspension or revocation of the licenses and license rights of
17 BH and GUY under Sections 10137, 10177 (d) and 10177 (g) of the Code.

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19 SECOND CAUSE OF ACTION

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21 Complainant refers to Paragraphs 1 through 18, above and incorporates the same,
22 herein, by reference.

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24 At all times herein above mentioned, GUY, was responsible as the supervising
25 broker for BH, for the supervision and control of the activities conducted on behalf of BH's
26 business by its employees. GUY failed to exercise reasonable supervision and control over the
27 property management activities of BH. In particular, GUY permitted, ratified and/or caused the

1 to handling of trust funds, supervision of employees, and the implementation of policies, rules,
2 and systems to ensure the compliance of the business with the Real Estate Law and the
3 Regulations.

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5 The above acts and/or omission of GUY violate Section 10159.2
6 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the
7 Regulations and constituted grounds for disciplinary action under the provisions of Section
8 10177(d) (willful disregard/violation of Real Estate Law) and 10177(h) (broker supervision) of
9 the Code.

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11 Section 10106 of the Code provides, in pertinent part, that in any order issued in
12 resolution of a disciplinary proceeding before the Department, the Commissioner may request
13 the Administrative Law Judge to direct a licensee found to have committed a violation of this
14 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
15 case.

16 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
17 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondent under the Code, for the reasonable
19 cost of investigation and agency attorney's fees in this matter, and for such other and further
20 relief as may be proper under other provisions of law.

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23 RUBEN CORONADO
Supervising Special Investigator

24 Dated at Fresno, California,
25 this 17th day of July, 2023.

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DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.