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**FILED**

APR 14 2017

BUREAU OF REAL ESTATE  
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8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of	)	
	)	NO. H-12007 SF
12 J V HOLDINGS INC and	)	
13 JASON DAVID CROUCH,	)	<u>FIRST AMENDED</u>
	)	<u>ACCUSATION</u>
14 Respondents.	)	
15 _____)	)	

16 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the  
17 State of California, makes this Accusation in her official capacity against J V HOLDINGS INC  
18 ("JVHI") and JASON DAVID CROUCH ("CROUCH"), (collectively "Respondents"), and is  
19 informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

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22 At all times herein mentioned, Respondents were and now are licensed and/or  
23 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and  
24 Professions Code) ("Code").

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2 At all times herein mentioned, JVHI was and now is licensed by the State of  
3 California Bureau of Real Estate ("Bureau") as a corporate real estate broker, by and through  
4 CROUCH as designated officer-broker of JVHI, to qualify said corporation and to act for said  
5 corporation as a real estate broker.

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7 At all times herein mentioned, CROUCH was and now is licensed by the Bureau,  
8 individually as a real estate broker, and as the designated officer-broker of JVHI. As said  
9 designated officer-broker, CROUCH was at all times mentioned herein responsible pursuant to  
10 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real  
11 estate licensees, and employees of JVHI for which a license is required.

12  
13 Whenever reference is made in an allegation in this Accusation to an act or  
14 omission of JVHI, such allegation shall be deemed to mean that the officers, directors,  
15 employees, agents and/or real estate licensees employed by or associated with JVHI committed  
16 such act or omission while engaged in the furtherance of the business or operations of such  
17 corporate respondent and while acting within the course and scope of their authority and  
18 employment.

19  
20 At all times herein mentioned, Respondents engaged in the business of, acted in  
21 the capacity of, advertised, or assumed to act as real estate brokers wherein, on behalf of others,  
22 for compensation or in expectation of compensation within the State of California, within the  
23 meaning of Section 10131(b) of the Code, including the operation and conduct of a property  
24 management business with the public wherein Respondents leased or rented or offered to lease or  
25 rent, or placed for rent, or solicited listings or places for rent, or solicited for prospective tenants,  
26 or negotiated the sale, purchase, or exchange of leases on real property or on a business  
27 opportunity, or collected rents from real property, or improvements thereon, or from business  
opportunities.

1  
2 In so acting as real estate brokers as described in Paragraph 5, above,  
3 Respondents accepted or received funds in trust ("trust funds") from or on behalf of tenants,  
4 owners, and others in connection with renting and the collection of rents on real property or  
5 improvements thereon, and thereafter from time-to-time made disbursements of said funds.

6  
7 The aforesaid trust funds accepted or received by Respondents were deposited or  
8 caused to be deposited by Respondents into one or more bank accounts maintained by  
9 Respondents for the handling of trust funds at the following financial institutions:

- 10 a) Bank of Marin, Oakland, CA, 94612, account name "JV Holdings, Inc dba All  
11 Emeryville Properties dba All East Bay Properties Prop. Mgmt. Trust Account"  
12 account number xxxxxx0768 ("Trust Account #1"); and,  
13 b) Bank of Marin, Oakland, CA, 94612, account name "JV Holdings, Inc dba All  
14 Emeryville Properties dba All East Bay Properties Alameda Commercial Prop,  
15 LLC Trust" account number xxxxxx2476 ("Trust Account #2").

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17 Between about October 29, 2015, and about November 13, 2015, an audit was  
18 conducted of the records of Respondents in connection with the activities described in  
19 Paragraphs 5, 6, and 7, above. The auditor herein examined the records for the period between  
20 about October 1, 2013, and about September 30, 2015, and found Respondents:

- 21 a) caused, suffered, or permitted the balance of funds in Trust Account #1 and  
22 Trust Account #2 to be reduced to an amount, which as of September 30, 2015, was  
23 approximately \$146,780.23 less than the aggregate liability of JVHI to all owners of such funds,  
24 without the prior written consent of the owners of such funds, in violation of Section 10145 of  
25 the Code and in conjunction with Section 2832.1 of Chapter 6, Title 10, of the California Code of  
26 Regulations ("Regulations");

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1 As to Paragraph 8(b), under Sections 10177(d) and/or 10177(g) of the Code in  
2 conjunction with Section 2831 of the Regulations;

3 As to Paragraph 8(c), under Sections 10177(d) and/or 10177(g) of the Code in  
4 conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

5 As to Paragraph 8(d), under Sections 10177(d) and/or 10177(g) of the Code in  
6 conjunction with Section 2831.2 of the Regulations; and,

7 As to Paragraph 8(e), under Sections 10177(d) and/or 10177(g) of the Code in  
8 conjunction with Section 2834 of the Regulations.

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10 The facts described in Paragraphs 9 and 10 constitute cause for the suspension or  
11 revocation of the licenses and license rights of Respondent CROUCH under Section 10177(g)  
12 and/or Section 10177(h) of the Code, and Section 10159.2 of the Code in conjunction with  
13 Section 10177(d) of the Code.

14 COST RECOVERY

15 13

16 Audit Costs

17 The acts and/or omissions of Respondent as alleged above entitle the Bureau to  
18 reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

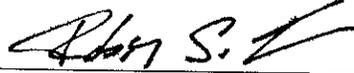
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20 Investigation and Enforcement Costs

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

25 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
26 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
27 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of

1 Division 4 of the Business and Professions Code), for the cost of the investigation and  
2 enforcement as permitted by law, for the cost of the audit as permitted by law, and for such other  
3 and further relief as may be proper under other applicable provisions of law.

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6 ROBIN S. TANNER  
7 Supervising Special Investigator

8 Dated at Oakland, California

9 this 13<sup>th</sup> day of April, 2017.

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