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DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

1 JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
3
4 Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) No. H-37759 LA
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Respondents.

The Complainant, Joey Aiu, a Deputy Real Estate
Commissioner of the State of California, for cause of accusation
against HEYMING & JOHNSON, INC., and FRANK TOBIAS HEYMING
individually and as designated officer of the corporation,
alleges as follows:

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1 1. The Complainant, Joey Aiu, acting in his official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against HEYMING & JOHNSON,
4 INC., and FRANK TOBIAS HEYMING.

5 2. HEYMING & JOHNSON, INC., and FRANK TOBIAS HEYMING
6 (hereinafter referred to as "Respondents") are presently licensed
7 and/or have license rights under the Real Estate Law (Part 1 of
8 Division 4 of the Business and Professions Code, hereinafter
9 Code).

10 3. At all times herein mentioned, Respondent HEYMING &
11 JOHNSON, INC. was licensed as a real estate broker with
12 Respondent FRANK TOBIAS HEYMING as its designated officer.

13 4. At all times material herein, Respondents engaged
14 in the business of, acted in the capacity of, advertised or
15 assumed to act as a real estate broker in the State of California
16 within the meaning of Section 10131(b) of the Code, including
17 renting properties and collecting rents.

18 5. On or about September 26, 2011, the Department
19 completed an examination of Respondent HEYMING & JOHNSON, INC.'s
20 books and records, pertaining to the activities described in
21 Paragraph 4 above, covering a period from December 1, 2008,
22 through September 30, 2010, which examination revealed violations
23 of the Code and of Title 10, Chapter 6, California Code of
24 Regulations (hereinafter Regulations) as set forth below.

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1 6. The examination described in Paragraph 5, above,
2 determined that, in connection with the activities described in
3 Paragraph 4 above, Respondent accepted or received funds,
4 including funds in trust (hereinafter "trust funds") from or on
5 behalf of principals, and thereafter made deposit or disbursement
6 of such funds.

7 7. In the course of activities described in Paragraphs
8 4 and 6 and during the examination period described in Paragraph
9 5, Respondents HEYMING & JOHNSON, INC., and FRANK TOBIAS HEYMING
10 acted in violation of the Code and the Regulations as follows,
11 and as more specifically set forth in Audit Report No. SD 100020
12 and related exhibits:

13 a. Violated Section 10145(a) of the Code and
14 Regulation 2832.1 in that as of September 30, 2010, the property
15 management trust accounts had a combined shortage of \$67,338.21.

16 b. Violated Section 10176(i) of the Code by charging
17 the property owners of 11937 Knoefler Dr., Riverside, California
18 for bank fees, accounting services, accounting supplies, workman
19 compensation and bonus to the property manager without written
20 authorization from the owners.

21 c. Violated Section 10145 of the Code and Regulation
22 2832 in that the bank accounts that were used to handle property
23 trust funds were not designated as trust accounts.

24 d. Violated Code Section 10145 and Regulation 2834 in
25 that unlicensed persons were signatories on the trust accounts
26 without fidelity bond coverage.

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1 8. The conduct of Respondents HEYMING & JOHNSON, INC.,
2 and FRANK TOBIAS HEYMING, as alleged above, subjects their real
3 estate licenses and license rights to suspension or revocation
4 pursuant to Sections 10177(d) and/or 10177(g) of the Code and
5 Section 10176(i) of the Code.

6 9. The conduct of Respondent FRANK TOBIAS HEYMING, as
7 alleged above, is in violation of Code Section 10159.2 and
8 subjects his real estate licenses and license rights to
9 suspension or revocation pursuant to Sections 10177(d), 10177(g),
10 and 10177(h) of the Code.

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that upon
13 proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and license rights of Respondents
15 HEYMING & JOHNSON, INC., and FRANK TOBIAS HEYMING individually
16 and as designated officer of Heyming & Johnson, Inc., under the
17 Real Estate Law (Part 1 of Division 4 of the Business and
18 Professions Code) and for such other and further relief as may be
19 proper under other applicable provisions of law.

20 Dated at Los Angeles, California

21 this 15 day of December, 2011.

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24 
JOEY AIU
Deputy Real Estate Commissioner

25 cc: Heyming & Johnson, Inc.
26 Frank Tobias Heyming
27 Joey Aiu
Sacto.