

FILED

OCT 29 2015

BUREAU OF REAL ESTATE

By John Paul

✓

1 LISSETE GARCIA, Counsel (SBN 211552)
Bureau of Real Estate
2 320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982
Direct: (213) 576-6914
4 Fax: (213) 576-6917

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-40004 LA
)	
MAXIMUM ASSETS, INC.,)	
ARCH REALTY GROUP, INC.,)	
KYLE LYNN BOSEMAN, individually and as)	<u>ACCUSATION</u>
designated officer of Maximum Assets, Inc. and)	
Arch Realty Group, Inc., and)	
E. PAUL LAWRENCE,)	
)	
Respondents.)	
)	
)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Bureau of Real Estate ("Bureau") of the State of California, for cause of Accusation against MAXIMUM ASSETS, INC., ARCH REALTY GROUP, INC., KYLE LYNN BOSEMAN, individually and as designated officer of Maximum Assets, Inc. and Arch Realty Group, Inc., and E. PAUL LAWRENCE (collectively "Respondents"), alleges as follows:

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondents.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

3.

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

4.

From May 6, 2014, through the present, Respondent MAXIMUM ASSETS, INC. ("MAI") has been licensed by the Bureau of Real Estate ("Bureau") as a real estate corporation, License ID 01526977. As of September 3, 2015, MAI's license status has been "NBA" meaning non-working status for no broker affiliation and/or no main business address on file. The corporation is not authorized to perform acts that require a real estate license.

5.

From April 7, 2014, through the present, Respondent ARCH REALTY GROUP, INC., ("ARGI") has been licensed by the Bureau as a real estate corporation, License ID 01526974.

6.

From March 12, 2012, through the present, Respondent KYLE LYNN BOSEMAN ("BOSEMAN") has been licensed by the Bureau as a real estate broker, License ID 01753525. BOSEMAN was licensed as a real estate salesperson from June 16, 2007 through March 11, 2012. At all times relevant herein, Respondent BOSEMAN was licensed as the designated

1 officer of approximately thirteen different real estate corporations.

2 7.

3 From May 6, 2014 through September 3, 2014, Respondent BOSEMAN was licensed as
4 the broker-officer of Respondent MAI. As the officer designated by Respondent MAI pursuant
5 to Section 10211 of the Code, Respondent BOSEMAN was responsible for the supervision and
6 control of the activities conducted on behalf of Respondent MAI by its officers and employees as
7 necessary to secure full compliance with Real Estate Law as set forth in Section 10159.2 of the
8 Code.

9 8.

10 From through April 7, 2014 to the present, Respondent BOSEMAN has been licensed as
11 the broker-officer of Respondent ARGI. As the officer designated by Respondent ARGI
12 pursuant to Section 10211 of the Code, Respondent BOSEMAN was responsible for the
13 supervision and control of the activities conducted on behalf of Respondent ARGI by its officers
14 and employees as necessary to secure full compliance with Real Estate Law as set forth in
15 Section 10159.2 of the Code.

16 9.

17 From September 24, 2008 through the present, Respondent E. PAUL LAWRENCE
18 ("LAWRENCE") aka Eddie Paul Lawrence and Eddie P. LAWRENCE has been licensed by the
19 Bureau as a restricted real estate broker, License ID 00357723. Respondent LAWRENCE was
20 previously licensed as a real estate salesperson from February 8, 1999 through September 23,
21 2008. Respondent LAWRENCE was licensed as a real estate broker from July 30, 1984 through
22 March 2, 1989. The Bureau revoked LAWRENCE's real estate broker license in Bureau Case
23 No. H-23355 LA.

1 10.

2 Christin Harrell (“Harrell”) aka Christin Bell, DeAngela Christin Harrell, Chrissy Harrell,
3 and DeAngela Clarke was formerly licensed as a real estate salesperson from June 22, 1995
4 through December 3, 2003, License ID 01198292. Harrell surrendered her real estate
5 salesperson license in connection with the Bureau’s disciplinary action in Bureau Case No.
6 H-29527 LA.

7 11.

8 MAI was incorporated in the State of South Dakota on or about October 10, 2013. On
9 October 22, 2013, BOSEMAN, Harrell, and David DeLoach aka David Lee DeLoach
10 (“DeLoach”) signed a Resolution Adopted by Officer for MAI which appointed BOSEMAN as a
11 director of MAI and Harrell as President of MAI. MAI was registered with the California
12 Secretary of State by DeLoach on or about October 25, 2013. On October 25, 2013, MAI filed a
13 Statement and Designation by Foreign Corporation with the Office of the California Secretary of
14 State which listed MAI’s corporate address as: 3297 Arlington Ave. #208, Riverside, California
15 92506. On January 7, 2015, DeLoach submitted, or caused to be submitted, a Statement of
16 Information on behalf of MAI with the Office of the California Secretary of State. Harrell is
17 listed as the Chief Executive Officer, Secretary, and Chief Financial Officer for MAI.

18 12.

19 From September 25, 2003 through the present, DeLoach has been licensed by the Bureau
20 as a real estate broker, ID 01391873. DeLoach’s current license status is “NBA” meaning non-
21 working status for no main business address on file. The licensee is not authorized to perform
22 acts that require a real estate license.

1 13.

2 Maximum Assets Realty has never been licensed in any capacity by the Bureau.

3 FIRST CAUSE OF ACCUSATION

4 (Bodewin Court property -Unlicensed Activity/Misrepresentation)

5 14.

6 On April 21, 2014, the Bureau received a corporation license application on behalf of
7 MAI. A Corporation Change Application was also submitted on behalf of MAI to add the use of
8 the fictitious business name, Superior Escrow Solutions – Non-Independent Escrow. On April
9 24, 2014, a Fictitious Business Name Statement was filed with the County of Riverside’s
10 Assessor-County Clerk-Recorder’s Office. The Fictitious Business Name Statement was signed
11 by Harrell as President of MAI. The Bureau issued a real estate license to MAI effective as of
12 May 6, 2014. MAI became licensed to do business as “Superior Escrow Solutions - Non-
13 Independent Escrow” as of May 6, 2014. Prior to May 6, 2014, Superior Escrow Solutions and
14 Harrell were not licensed in any capacity by the California Department of Business Oversight.

15 15.

16 On or about March 9, 2014, a California Residential Purchase Agreement and Joint
17 Escrow Instructions (“purchase agreement”) was submitted on behalf of buyers - A.M¹. and C.
18 Harrell, Jr. - for the purchase of a property located at 7313 Bodewin Court, Riverside, California
19 92506 (“Bodewin Court property”). On the bottom of the first page of the purchase agreement,
20 the pre-printed name of the selling agent is Anastasia Stamatii Uyemura and the selling broker is
21 listed as CA Realty Group.

22 ///

23 ¹ Initials are used in place of individuals’ full names to protect their privacy. Documents containing individuals’ full
24 names will be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service
of a timely and proper request for discovery on Complainant’s counsel.

1 16.

2 Anastasia Stamatii is currently licensed as a real estate salesperson, License ID.
3 01911348. From April 24, 2012 through October 27, 2014, Anastasia Stamatii was licensed
4 under the employment of broker Chunyk & Adduci Realty Group LA, Inc. CA Realty Group is
5 a licensed fictitious business name of Chunyk & Adduci Realty Group LA, Inc.

6 17.

7 On the first page, Section 2C (Agency) of the purchase agreement for the Bodewin Court
8 property, Maximum Assets Realty is listed as the broker representing the buyers. In Section 3A
9 (Initial Deposit) of the purchase agreement, a \$15,000 initial deposit was to be delivered within
10 three (3) business days after acceptance to Superior Escrow Solutions. In Section 4C (Escrow
11 and Title) of the purchase agreement, the buyers selected Superior Escrow Solutions as the
12 escrow holder. The purchase price of the property was to be \$1,750,000. On page 8 of 8 of the
13 purchase agreement, in the real estate brokers section, the real estate broker for the buyers is
14 listed as Maximum Assets Realty with a Bureau license number of 01753525. A signature
15 purported to be BOSEMAN's is on the form next to BOSEMAN's pre-printed name. In a
16 subsequent letter to the Bureau, BOSEMAN denied that he signed the purchase agreement.
17 BOSEMAN also claimed that the telephone number and email address listed for MAI do not
18 belong to him. The buyers' purchase agreement for the Bodewin Court property was not
19 accepted by the seller.

20 18.

21 Respondent MAI's misrepresentations, acts, conduct, and/or omissions, in engaging in
22 activities that require a real estate license at a time when Maximum Assets Realty and Superior
23 Escrow Solutions were not licensed, constitute cause for the suspension or revocation of the
24

1 license and license rights of Respondent MAI pursuant to Business and Professions Code
2 sections 10176(a) and 10177(d) for violation of Code sections 10130, 10159.5, and Regulation
3 2731.

4 SECOND CAUSE OF ACCUSATION

5 (Brandon Court property -Unlicensed Activity/Misrepresentation)

6 19.

7 There is hereby incorporated in this Second, separate and distinct Second Cause of
8 Accusation, all of the allegations contained in Paragraphs 1 through 18, with the same force and
9 effect as if herein fully set forth.

10 20.

11 On or about March 10, 2014, a purchase agreement was submitted on behalf of buyers -
12 A.M². and C. Harrell, Jr. - for the purchase of a property located at 7261 Brandon Court,
13 Riverside, California 92506 ("Brandon Court property"). On the bottom of the first page of the
14 purchase agreement, the pre-printed name of the selling agent and the selling broker were
15 redacted from the form. On the first page, Section 2C (Agency) of the purchase agreement for
16 the Brandon Court property, Maximum Assets Realty is listed as the broker representing the
17 buyers. In Section 3A (Initial Deposit) of the purchase agreement, a \$15,000 initial deposit was
18 to be delivered within three (3) business days after acceptance to Superior Escrow Solutions. The
19 purchase price of the property was to be \$1,468,000. In Section 4C (Escrow and Title) of the
20 purchase agreement, the buyers selected Superior Escrow Solutions as the escrow holder. On
21 page 8 of 8 of the purchase agreement, in the real estate brokers section, the real estate broker for
22

23 ² Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full
24 names will be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service
of a timely and proper request for discovery on Complainant's counsel.

1 the buyers is listed as Maximum Assets Realty with a Bureau license number of 01753525.

2 BOSEMAN's signature is not included on the purchase agreement. Superior Escrow Solutions
3 provided to the seller's agent a copy of a cashier's check no. 4000 from buyer, A.M. for \$15,000
4 made payable to Superior Escrow Solutions and dated March 10, 2014.

5 21.

6 Superior Escrow Solutions provided Supplemental Escrow Instructions dated March 20,
7 2014 for the Brandon Court property transaction. The escrow instructions did not state whether
8 Superior Escrow Solutions was licensed, nor listed any license number. According to the escrow
9 instructions prepared by Superior Escrow Solutions, the buyer was to execute and deliver a new
10 First conventional Deed of Trust in the amount of \$1,100,000 and a Second Deed of Trust in the
11 amount of \$250,000. On April 7, 2014, buyer A.M. signed an addendum which stated that 1) the
12 selling agency was ARGI with agent, BOSEMAN; 2) buyer C. Harrell would not be part of the
13 purchase; and 3) all other terms and conditions remain the same.

14 22.

15 On March 30, 2014, the seller of the Brandon Court property signed a Cancellation of
16 Contract, Release of Deposit and Joint Escrow Instructions which canceled Superior Escrow
17 Solutions Escrow No. 3069 for the Brandon Court property transaction and instructed the escrow
18 holder to split the \$15,000 initial deposit between the buyer and the seller to cover legal fees.
19 Instead, Superior Escrow Solutions returned the entire \$15,000 initial deposit to buyer A.M.

20 23.

21 Respondent MAI's misrepresentations, acts, conduct, and/or omissions, in engaging in
22 activities that require a real estate license at a time when Maximum Assets Realty and Superior
23 Escrow Solutions were not licensed, constitute cause for the suspension or revocation of the
24

1 license and license rights of Respondent MAI pursuant to Business and Professions Code
2 sections 10176(a) and 10177(d) for violation of Code sections 10130, 10159.5, and Regulation
3 2731.

4 THIRD CAUSE OF ACCUSATION

5 (Audit of MAI – SD140011)

6 24.

7 There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all
8 of the allegations contained in Paragraphs 1 through 23, with the same force and effect as if
9 herein fully set forth.

10 25.

11 From approximately August 22, 2014 through November 13, 2014, the Bureau attempted
12 to examine the books and records related to MAI's real estate activities for the period of May 6,
13 2014, through September 2, 2014. The purpose of the audit was to determine whether MAI
14 handled and accounted for trust funds and conducted its real estate activities in accordance with
15 the Real Estate Law and Regulations.

16 26.

17 On September 3, 2014, the Bureau received a letter from BOSEMAN indicating that he
18 wished to resign as designated officer for MAI effective immediately.

19 27.

20 BOSEMAN and Harrell, through their respective attorneys, provided only some of the
21 records requested by the Bureau's auditor after repeated attempts to arrange an audit examination
22 and request for records from MAI. The Bureau's auditor completed a partial examination of the
23 books and records of MAI from September 24, 2014 to November 20, 2014. The audit
24

1 examination revealed violations of the Code and the Regulations as set forth in the following
2 paragraphs, and more fully set forth in Audit Report SD 140011 and the exhibits and workpapers
3 attached thereto.

4 Bank Account(s)

5 28.

6 The Bureau requested copies of all bank signature cards for active, inactive, and closed
7 accounts in which MAI and BOSEMAN, or their agents or employees deposited and/or
8 disbursed funds during the audit period. In response to the Bureau's requests, Harrell provided
9 via email, copies of bank signature cards. The bank signature cards showed that on April 30,
10 2014, BOSEMAN was added as a signer to an unidentified bank account no. XXXXXX3905,
11 belonging to MAI. On August 29, 2014, Harrell removed BOSEMAN as a signer from said
12 account.

13 Violations of the Real Estate Law

14 29.

15 In the course of activities during the examination period of May 6, 2014, through
16 September 2, 2014, Respondents, acted in violation of the Code and the Regulations in that:

17 (a) MAI and Harrell performed, or offered to perform, engaged, or attempted to engage,
18 in activities that require a real estate license during a time that neither was licensed in any
19 capacity by the Bureau. Examples of said unlicensed activity include the residential purchase
20 agreement for the Bodewin Court property which was dated March 9, 2014, and the residential
21 purchase agreement for the Brandon Court property which was dated March 10, 2014. Said
22 unlicensed activity is in violation of Code section 10130.

1 (b) MAI and BOSEMAN (for the period of May 6, 2014 through September 2, 2014)
2 failed to retain the complete books and records in connection with MAI's transactions for which
3 a real estate broker license was required, in violation of Code section 10148 and Regulation
4 2950(e). Examples of the missing documents include, but are not limited to, copies of bank
5 statements, control record(s), trust account reconciliations, and copies of buyer's earnest money
6 deposit checks, escrow receipts, escrow records, deposit slips/tickets, and cancelled checks for
7 the Brandon property transaction.

8 30.

9 The foregoing violations constitute cause for the suspension or revocation of the real
10 estate licenses and license rights of Respondents MAI and BOSEMAN under the provisions of
11 Code Sections 10177(d) and/or 10177(g).

12 31.

13 The overall conduct of Respondent BOSEMAN constitutes a failure on his part, as officer
14 designated by a corporate broker licensee, to exercise the reasonable supervision and control
15 over the licensed activities of MAI as required by Code Section 10159.2, and to keep MAI in
16 compliance with the Real Estate Law, and is cause for the suspension or revocation of the real
17 estate license and license rights of BOSEMAN pursuant to the provisions of Code sections
18 10177(h), 10177(d), and 10177(g).

19 ///

20 ///

21 ///

22 ///

23 ///

24

1 FOURTH CAUSE OF ACCUSATION

2 (Audit of BOSEMAN – SD140012)

3 32.

4 There is hereby incorporated in this Fourth, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 31, with the same force and effect as if
6 herein fully set forth.

7 33.

8 On or about November 21, 2014, the Bureau completed an examination of the books and
9 records related to BOSEMAN's real estate activities for the period of January 1, 2013, through
10 July 31, 2014. The purpose of the audit was to determine whether BOSEMAN handled and
11 accounted for trust funds and conducted real estate activities in accordance with the Real Estate
12 Law and Regulations.

13 34.

14 The audit examination revealed violations of the Code and the Regulations as set forth in
15 the following paragraphs, and more fully set forth in Audit Report SD 140012 and the exhibits
16 and workpapers attached thereto. In the course of activities during the examination period of
17 January 1, 2013, through July 31, 2014, Respondent BOSEMAN acted in violation of the Code
18 section 10163 and Regulation 2715 in that BOSEMAN used unlicensed branch or main offices
19 located at: 29910 Murrieta Hot Springs Rd. #G431, Murrieta, California and 867 Colorado Ave.
20 #C, Chula Vista, California to perform or offer to perform activities that require a real estate
21 license.

22 ///

23 ///

1 35.

2 The foregoing violations constitute cause for the suspension or revocation of the real
3 estate license and license rights of Respondent BOSEMAN under the provisions of Code
4 Sections 10165, 10177(d) and/or 10177(g).

5 36.

6 The overall conduct of Respondent BOSEMAN constitutes a failure on his part to
7 exercise the reasonable supervision and control over the licensed activities of his salespersons to
8 comply with the Real Estate Law, as required by Code Section 10159.2, and Regulation 2725,
9 and is cause for the suspension or revocation of the real estate license and license rights of
10 BOSEMAN pursuant to the provisions of Code sections 10177(h), 10177(d), and 10177(g).

11 FIFTH CAUSE OF ACCUSATION

12 (Charina Rd. property)

13 37.

14 There is hereby incorporated in this Fifth, separate and distinct Cause of Accusation, all
15 of the allegations contained in Paragraphs 1 through 36, with the same force and effect as if
16 herein fully set forth.

17 38.

18 On or around August 19, 2014, Harrell contacted listing agent D.E. regarding the sale of
19 a property located at 25051 Charina Road, Homeland, California 92548 (Charina Rd. property”).
20 Harrell identified herself as “Kyle Lynn.” Harrell used BOSEMAN’s identity while acting as an
21 agent representing prospective buyers who were interested in seeing the Charina Rd. property.
22 On August 21, 2014, Harrell submitted a purchase agreement on behalf of buyers M.P. and L.P.
23 who offered to purchase of the Charina Rd. property for a purchase price of \$395,000. The
24

1 selling broker listed on the purchase agreement is ARG1. BOSEMAN's name is listed as the
2 selling agent for ARG1. A signature purported to be BOSEMAN's is on the purchase
3 agreement. The buyers selected Superior Escrow Solutions as the escrow holder. ARG1 has
4 never been licensed to do business as Superior Escrow Solutions.

5 39.

6 The sellers made a counter offer to the purchase agreement. Buyers M.P. and L.P.
7 accepted the seller's counter offer. The escrow holder was to be Lawyers Title. During the
8 transaction, listing agent D.E. believed she was dealing with and communicating with
9 BOSEMAN, when in fact, it was Harrell. On or about August 28, 2014, LAWRENCE and
10 Harrell signed a letter stating that LAWRENCE was allowing Harrell to continue on as
11 transaction coordinator for the purchase of the Charina Rd. property transaction. Harrell was to
12 receive compensation of \$2,000 or \$3,115 from the transaction.

13 40.

14 Escrow closed on or about October 29, 2014. \$3,799.08 was wired to Harrell.
15 According to LAWRENCE, Harrell took out her fee and forwarded the remainder to
16 LAWRENCE.

17 41.

18 LAWRENCE is currently listing his main office with the Bureau as: 17128 Colima Rd.
19 #718, Hacienda Heights, California. Said address is a Postal Plus, private mailbox rental
20 business.

21 42.

22 The conduct, acts and/or omissions of Respondent LAWRENCE as set forth in
23 Paragraphs 38 through 42, above, constitute grounds for the suspension or revocation of the
24

1 licenses and license rights of Respondent LAWRENCE pursuant to Code sections 10165
2 10177(d) for violation of Code section 10137 and 10162.

3 43.

4 Code section 10106 provides, in pertinent part, that in any order issued in resolution of a
5 disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the
6 administrative law judge to direct a licensee found to have committed a violation of this part to
7 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
9 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
10 against all licenses and/or license rights of Respondents MAXIMUM ASSETS, INC., ARCH
11 REALTY GROUP, INC., KYLE LYNN BOSEMAN, individually and as designated officer of
12 Maximum Assets, Inc. and Arch Realty Group, Inc., and E. PAUL LAWRENCE under the Real
13 Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of
14 investigation and enforcement as permitted by law, and for such other and further relief as may
15 be proper under other provisions of law.

16 Dated at San Diego, California this 22 day of October, 2015.

17
18 
19 VERONICA KILPATRICK
20 Supervising Special Investigator

21
22
23 cc: Maximum Assets, Inc., Arch Realty Group, Inc.
24 Kyle Lynn Boseman

1 E. Paul Lawrence
2 Veronica Kilpatrick
3 Sacto
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24