

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)
7 (916) 227-9458 (Fax)

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ADEPT CONSULTING SERVICES INC.,)
13 a Corporation, and)
14 RODOLFO N. ARRIVAS,)
Respondents.)

NO. H-2643 FR

ACCUSATION

15 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against ADEPT CONSULTING SERVICES
17 INC., (herein "ACSI") and RODOLFO N. ARRIVAS (herein "ARRIVAS") (herein collectively
18 "Respondents"), is informed and alleges as follows:

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20 The Complainant makes this Accusation in his official capacity.

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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) (herein "the Code").

25 3

26 At all times herein mentioned, ACSI was and now is licensed by the State of
27 California Department of Real Estate (herein the "Department") as a corporate real estate broker

1 by and through ARRIVAS as designated officer-broker of ACSI to qualify said corporation and
2 to act for said corporation as a real estate broker.

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4 4

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

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

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18 At all times herein mentioned, ACSI engaged in the business of, acted in the
19 capacity of, advertised, or assumed to act as a corporate real estate broker within the State of
20 California on behalf of others, for compensation or in expectation of compensation within the
21 meaning of Section 10131(b) of the Code in the operations of a property management business
22 with the public wherein, on behalf of others, for compensation or in expectation of compensation,
23 ACSI leased or rented and offered to lease or rent, and placed for rent, and solicited listings of
24 places for rent, and solicited for prospective tenants of real property or improvements thereon, and
25 collected rents from real property or improvements thereon.

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27 In so acting as a corporate real estate broker, ACSI accepted or received funds in
trust (herein "trust funds") from or on behalf of tenants, owners, and others in connection with

1 the property management activities described in Paragraph 6, above, and thereafter from time to
2 time made disbursements of said trust funds.

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4 Between about July 14, 2009 and October 31, 2010, ACSI caused, suffered, or
5 permitted an unlicensed individual, Robyn Kissler (herein "Kissler"), to lease or rent real
6 property, solicit prospective tenants for the lease or rent of real property, negotiate leases or
7 rental agreements on real property, collect rents on real property and disburse trust funds for the
8 following owners of real property, in violation of Section 10130 of the Code:

<u>Owner(s)</u>	<u>Real Property</u>
William K.	1115 Dundee Ben Lomond, California
Marylou C.	260 Paone Boulder Creek, California
Patti B.	352 Frederick St. Santa Cruz, California

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16 In connection with the activities described in Paragraphs 6-8, above, ACSI failed
17 to place trust funds entrusted to ACSI into the hands of a principal on whose behalf the funds
18 were received, into a neutral escrow depository, or into a trust fund account in the name of ACSI
19 as trustee at a bank or other financial institution, in conformance with the requirements of
20 Section 10145 of the Code, and Section 2832 of the Title 10, Chapter 6, of the California Code
21 of Regulations (herein "the Regulations").

22 10

23 In about November 2010, ACSI failed to make available, after notice from the
24 Department, books, accounts, records, and other documents executed or obtained in connection
25 with any transactions for which a real estate broker license is required for examination,
26 inspection, and copying by the Commissioner or his designated representative during regular
27 business hours, in violation of Section 10148 of the Code.

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2 In about November 2010, ACSI failed to maintain a definite place of business
3 serving as its office for the transaction of business in the State of California, in violation of
4 Section 10162 of the Code.

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6 Between about November 2010 and March 9, 2011, ACSI failed to notify the
7 Department of a change in the location or address of its principal place of business, in violation
8 of Section 2715 of the Regulations.

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10 At all times mentioned herein, ARRIVAS failed to exercise reasonable
11 supervision over the acts of ACSI and its agents and employees in such a manner as to allow the
12 acts and omissions on the part of ACSI, described above, to occur in violation of Sections
13 10177(g) and (h) and 10159.2 of the Code, and Section 2725 of the Regulations.

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15 The facts alleged above are grounds for the suspension or revocation of the
16 license and license rights of Respondents under the following provisions of the Code and/or the
17 Regulations:

18 (a) as to Paragraph 8 and Respondent ACSI under Section 10130 of the
19 Code, in conjunction with Section 10177(d) of the Code;

20 (b) as to Paragraph 9 and Respondent ACSI under Section 10145 of the
21 Code and Section 2832 of the Regulations, in conjunction with Section 10177(d) of the Code;

22 (c) as to Paragraph 10 and Respondent ACSI under Section 10148 of the
23 Code, in conjunction with Section 10177(d) of the Code;

24 (d) as to Paragraph 11 and Respondent ACSI under Section 10162 of the
25 Code, in conjunction with Section 10177(d) of the Code;

26 (e) as to Paragraph 12 and Respondent ACSI under Section 2715 of the
27 Regulations, in conjunction with Section 10177(d) of the Code; and

1 (f) as to Paragraph 13 and Respondent ARRIVAS under Section 10177(g)
2 and (h) and 10159.2 of the Code, and Section 2725 of the Regulations, in conjunction with
3 Section 10177(d) of the Code.

4 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
5 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
6 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
7 Division 4 of the Business and Professions Code) and for such other and further relief as may
8 be proper under other applicable provisions of law.

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13 LUKE MARTIN
14 Deputy Real Estate Commissioner

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16 Dated at Fresno, California
17 this 26th day of MAY, 2011.