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FILED

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DEPARTMENT OF REAL ESTATE
By *J. Taggart*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 CES PREMIER REAL ESTATE SERVICES,)
INC., and CHARLOTTE ELAINE SAULTER,)
14 Respondents.)

No. H-12523 SF

ACCUSATION

15 The Complainant, STEPHANIE YEE, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against CES PREMIER REAL ESTATE
17 SERVICES, INC., and CHARLOTTE ELAINE SAULTER (collectively "Respondents"), are
18 informed and allege as follows:

19 PRELIMINARY ALLEGATIONS

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21 The Complainant, STEPHANIE YEE, a Supervising Special Investigator of the
22 State of California, makes this Accusation in her official capacity.

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

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2 At all times mentioned, Respondent CES PREMIER REAL ESTATE
3 SERVICES, INC. (CES) was and is licensed by the State of California Department of Real
4 Estate (Department) as a real estate broker corporation. At all times mentioned, CHARLOTTE
5 ELAINE SAULTER (SAULTER) was the 100 percent shareholder and Chief Executive Officer
6 of CES.

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8 At all times mentioned, Respondent SAULTER was and is licensed by the
9 Department individually as a real estate broker, and as the designated broker officer of CES. As
10 said designated broker officer, SAULTER was responsible pursuant to Section 10159.2 of the
11 Code for the supervision of the activities of the officers, agents, real estate licensees, and
12 employees of CES for which a license is required.

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

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

1 FIRST CAUSE OF ACTION

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3 Each and every allegation in Paragraphs 1 through 6, inclusive, is incorporated by
4 this reference as if fully set forth herein.

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6 On or about December 10, 2019, through August 27, 2019, an audit was
7 conducted of the records of CES. The auditor herein examined the records for the period of
8 December 1, 2018, through November 30, 2019.

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10 While acting as a real estate broker as described in Paragraph 6, Respondents
11 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
12 connection with the leasing, renting, and collection of rents on real property or improvements
13 thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust
14 funds.

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16 The trust funds accepted or received by Respondents as described in Paragraph 9
17 were deposited or caused to be deposited by Respondents into trust accounts which were
18 maintained by Respondents for the handling of trust funds, and thereafter from time-to-time
19 Respondents made disbursements of said trust funds, identified as follows:

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ACCOUNT # 1	
21 Bank Name and Location:	Bank of America 22 P.O. Box 25118 23 Tampa, FL 33622-5118 24
25 Account No.:	XXXXXXXXX1744
26 Entitled:	Ces Premier Real Estate Services, Inc. 27 DBA PREMIER PROPERTY MANAGEMENT

In the course of the activities described in Paragraph 6, Respondents:

(a) caused, suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as of October 32, 2019, was approximately \$183,779.98 less than the aggregate liability of Account #1 to all owners of such funds in violation of Sections 10176(i) and 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) commingled with its own money or property, the money or property of others which was received or held by CES in trust in violation of Section 10176(e) of the Code;

(c) failed to deposit trust funds into one or more trust funds accounts in the name of CES as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of the Regulations;

(d) failed to maintain an accurate columnar record in chronological sequence of all trust funds received and disbursed from Account #1 containing all required information, in violation of Section 2831 of Title 10 of the California Code of Regulations (Regulations);

(e) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into Account #1 containing all of the information required by Section 2831.1 of the Regulations;

(f) failed to reconcile the balance of separate beneficiary or transaction records with the control record of trust funds received and disbursed at least once a month, and/or failed to maintain a record of such reconciliations for Account #1 as required by Section 2831.2 of the Regulations; and

(g) failed to deposit trust funds in to Account #1 not later than three business days following receipt of the funds, as required by Section 2832 of the Regulations.

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The facts alleged in the First Cause of Action are grounds for the suspension or revocation of Respondents' licenses and license rights under the following Sections of the Code and Regulations:

As to Paragraph 11(a), under Sections 10176(i), 10177(d), and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 11(b), under Section 10176(e) of the Code;

As to Paragraph 11(c), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

As to Paragraph 11(d), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2831 of the Regulations;

As to Paragraph 11(e), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2831.1 of the Regulations;

As to Paragraph 11(f), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations; and

As to Paragraph 11(g), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2832 of the Regulations.

SECOND CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 12, inclusive, above are incorporated by this reference as if fully set forth herein.

Respondent SAULTER failed to exercise reasonable supervision over the acts of CES in such a manner as to allow the acts and events described above to occur.

The acts and/or omissions of SAULTER as described in Paragraph 17, constitutes failure on the part of SAULTER, as designated broker-officer for CES, to exercise reasonable

1 supervision and control over the licensed activities of CES as required by Section 10159.2 of the
2 Code and Section 2725 of the Regulations.

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4 The facts described above as to the Second Cause of Action constitute cause for
5 the suspension or revocation of the licenses and license rights of Respondent SAULTER under
6 Section 10177(g) and/or Section 10177(h) of the Code, and Section 10159.2 of the Code in
7 conjunction with Section 10177(d) of the Code.

8 COST RECOVERY

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10 The acts and/or omissions of Respondents as alleged above, entitle the
11 Department to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs
12 for trust fund handling violation) of the Code.

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

19 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
20 of this Accusation and that upon proof thereof, a decision be rendered imposing discipline on all
21 licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the
22 Business and Professions Code), for the cost of the investigation and enforcement of this case as

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1 permitted by law, for the cost of the Department's audit as permitted by law, and for such other
2 and further relief as may be proper under the provisions of law.

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5 STEPHANIE YEE
6 Supervising Special Investigator

7 Dated at Oakland, California,
8 this 11th day of February, 2021

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21 DISCOVERY DEMAND

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23 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of Real
24 Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
25 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
26 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
27 Office of Administrative Hearings deems appropriate.