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FILED

APR 18 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	
	)	NO. H-2733 FR
JERRI G. TERRY,	)	
	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	
	)	

The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JERRI G. TERRY (herein "Respondent"), is informed and alleges as follows:

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The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

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Respondent made application to the Department of Real Estate (herein "Department") for a real estate salesperson license on or about August 29, 2011.

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At all times herein mentioned when Respondent was not licensed in any capacity by the Department, Respondent engaged in the business of, acted in the capacity of, advertised,

1 or assumed to act as a real estate broker wherein, on behalf of others, for compensation or in
2 expectation of compensation within the State of California within the meaning of Section
3 10131(b) of the Business and Professions Code (herein "the Code"), including the operation and
4 conduct of a property management business with the public, wherein Respondent leased or rented
5 or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited
6 for prospective tenants, or negotiated the sale, purchase or exchanges of leases on real property,
7 or on a business opportunity or collected rents from real property, or improvements thereon, or
8 from business opportunities, when Respondent knew or should have known that said activities
9 require a real estate license, in violation of Sections 10130 and 10177(j) of the Code.

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11 Between February 25, 2006 and September 25, 2010, Respondent dba Home
12 Sweet Home Property Management (herein "HSHPM"), while Respondent was not licensed in
13 any capacity by the Department entered into Property Management Agreements with the
14 following property owners wherein HSHPM agreed to rent, lease, operate and manage real
15 property, when Respondent knew or should have known that said activities require a real estate
16 license, in violation of Sections 10130 and 10177(j) of the Code:

<u>Property Owner</u>	<u>Address of Property</u>	<u>Date</u>
Suzanne C.	Friguletti, Los Banos, CA	2/25/06
Muho M.	Quail St., Los Banos, CA	2/26/09
Laith R.	Apricot Ct, Los Banos, CA	9/25/10
	Heron Dr., Los Banos, CA	

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23 On or about September 3, 2010, Respondent solicited a Deputy Commissioner of
24 the Department (herein referred to as "W. H."), offering to show properties between the
25 \$1,000.00-\$2,000.00 price range, representing to W. H., that Respondent would negotiate rents
26 on the owner's behalf, there would be no additional security deposit required for pets on site and
27 any security deposit required for renting the property would be approximately one month's rent,

1 when Respondent knew or should have known that said solicitation requires a real estate license,
2 in violation of Sections 10130 and 10177(j) of the Code.

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4 In so acting as a real estate broker, as described in Paragraph 3 above,
5 Respondent accepted or received funds in trust (herein "trust funds") from or on behalf of
6 owners, tenants, and others in connection with the leasing, renting, and collection of rents on
7 real property or improvements thereon.

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9 The aforesaid trust funds accepted or received by Respondent were deposited or
10 caused to be deposited into one or more trust fund accounts maintained for the handling of trust
11 funds at the Los Banos, California branch of Wells Fargo Bank, including but not necessarily
12 limited to "Robert Brisacher DBA Home Sweet Home Property Management Trust Account,"
13 account number xxxxxx9151 (herein "Trust #1").

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15 Between about January 1, 2010 and September 30, 2010, in connection with the
16 property management activities described in Paragraph 3, above, Respondent:

17 (a) caused, suffered or permitted the balance of funds in Trust #1 to be reduced
18 to amounts less than the liability of HSHPM resulting in trust fund shortages as follows, in
19 violation of Section 10177(g) of the Code and Section 2832.1 of Chapter 6, Title 10, California
20 Code of Regulations (herein "the Regulations"):

21	<u>Date</u>	<u>Amount</u>
22	June 30, 2010	\$41,849.01;
23	July 31, 2010	\$41,849.01; and
24	August 31, 2010	\$41,950.38;

25 (b) failed to keep a separate record for each beneficiary or transaction for
26 Trust #1 containing all the information required by Sections 10145 and 10177(g) of the Code
27 and Section 2831.1 of the Regulations; and,

1 (c) failed to reconcile at least once a month, the balance of all separate
2 beneficiary or transaction records with Trust #1, as required by Section 2831.2 of the
3 Regulations, in violation of Section 10177(g) of the Code.

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5 Respondent's violations, described in Paragraphs 3 through 8, above, constitute
6 cause for denial of Respondent's application for a real estate salesperson license pursuant to the
7 provisions of Sections 10130, 10145, 10177(g) and (j) of the Code, and Sections 2832.1, 2831.1
8 and 2831.2 of the Regulations, in conjunction with 10177(d) of the Code.

9 WHEREFORE, Complainant prays that above-entitled matter be set for hearing
10 and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the
11 issuance of, and deny the issuance of a real estate salesperson license to Respondent, and for such
12 other and further relief as may be proper under other provisions of law.

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16 LUKE MARTIN
17 Deputy Real Estate Commissioner
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19 Dated at Fresno, California

20 this 13th day of March, 2012.
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