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FILED

FEB 05 2016

BUREAU OF REAL ESTATE

By B. Nicholas

7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) No. H-2993 FR
12)
13 MATTHEW DRESCHER STOLL,) ACCUSATION
14 Respondent.)

15 The Complainant, BRENDA SMITH, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 MATTHEW DRESCHER STOLL ("Respondent"), is informed and alleges as follows:

18 1.

19 Respondent is presently licensed and/or had license rights under the Real Estate
20 Law, Part 1 of Division 4 of the Business and Professions Code ("the Code") as an individual
21 real estate broker.

22 2.

23 At all times herein mentioned, Respondent engaged in the business of,
24 acted in the capacity of, advertised, or assumed to act as an individual real estate broker within
25 the State of California on behalf of others, for compensation or in expectation of compensation
26 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
27 property management business with the public wherein, on behalf of others, for compensation,

1 leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for
2 rent, or solicited for prospective tenants, or negotiated for sale, purchase or exchanges of leases
3 on real property, or on a business opportunity, or collected rent from real property, or
4 improvements thereon, or from business opportunities.

5 AUDIT VIOLATIONS

6 3.

7 Each and every allegation contained above in Paragraphs 1 and 2, inclusive, are
8 incorporated by this reference as if fully set forth herein.

9 4.

10 Beginning on November 10, 2014, and continuing intermittently through
11 November 13, 2014, the California Bureau of Real Estate ("the Bureau") conducted an audit of
12 the books and records related to the real estate activities of Respondent at Respondent's main
13 office located at 120 N. Douty St., Hanford, California, where the auditor examined records for
14 the period of November 1, 2013, to October 31, 2014 ("audit period").

15 5.

16 While doing business within the audit period, Respondent accepted or received
17 funds in trust ("trust funds") from or on behalf of owners and tenants in connection with the
18 leasing, renting, and collection of rents on real property or improvements thereon, as alleged
19 herein, and thereafter from time to time made disbursements of said trust funds.

20 6.

21 The trust funds accepted or received by Respondent, as described above in
22 Paragraph 5, were deposited or caused to be deposited by Respondent into trust accounts which
23 were maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
24 Respondent made disbursements of said trust funds, identified as follows:

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27 ///

TRUST ACCOUNT #1	
Bank Name and Location:	RaboBank, 218 N. Douty St., Hanford CA 93230
Account No.:	XXXXXX0909
Entitled:	Stratus Consulting & Investing LLC Securities Trust
Signatories:	Matthew Stoll (REB) Tami Stoll (REB) Kasey Faccinto
No. of Signatures Required:	One

TRUST ACCOUNT #2	
Bank Name and Location:	RaboBank, 218 N. Douty St., Hanford CA 93230
Account No.:	XXXXXX2467
Entitled:	Stratus Consulting & Investing LLC Securities Trust
Signatories:	Matthew Stoll (REB) Tami Stoll (REB) Kasey Faccinto
No. of Signatures Required:	One

7.

In the course of the activities described above in Paragraph 2, in connection with the collection and disbursement of trust funds, Respondent:

(a) caused, suffered, or permitted the balance of funds in Trust Account #1 to be reduced to an amount which, as of September 30, 2014, was approximately \$48,781.46 less than the aggregate liability of Trust Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of section 10145 (trust fund handling) of the Code and section 2832.1 (written authorization of all beneficiaries required to reduce funds to below liability) of title 10 of the California Code of Regulations (“the Regulations”);

(b) caused, suffered, or permitted the balance of funds in Trust Account #2 to be reduced to an amount which, as of September 30, 2014, was approximately \$8,014.13 less than the aggregate liability of Bank Account #2 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of section 10145 of the Code and section 2832.1 of the Regulations;

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1 (c) conducted property management activities under the name Stratus
2 Property Management which was not a licensed dba, in violation of section 10145 of the Code
3 and section 2731 of the Regulations;

4 (d) failed to reconcile at least once per month, the balance of all separate
5 beneficiary or transaction records to the balance of the control records for Trust Account #1, in
6 violation of section 2831.2 (monthly trust account reconciliation) of the Regulations;

7 (e) failed to reconcile at least once per month, the balance of all separate
8 beneficiary or transaction records to the balance of the control records for Trust Account #2, in
9 violation of section 2831.2 of the Regulations;

10 (f) allowed Kasey Faccinto, an individual who was not licensed in any
11 capacity by the Bureau, to serve as an authorized signor on Trust Account #1 without providing
12 for fidelity bond coverage, in violation of section 10145 of the Code and section 2834 of the
13 Regulations;

14 (g) allowed Kasey Faccinto, an individual who was not licensed in any
15 capacity by the Bureau, to serve as an authorized signor on Trust Account #2 without providing
16 for fidelity bond coverage, in violation of section 10145 of the Code and section 2834 of the
17 Regulations;

18 (h) failed to properly designate Trust Account #1 as a trust account in the
19 name of Respondent or his fictitious business name, as trustee, in violation of section 10145 of
20 the Code and section 2832 of the Regulations;

21 (i) failed to properly designate Trust Account #2 as a trust account in the
22 name of Respondent or his fictitious business name, as trustee, in violation of section 10145 of
23 the Code and section 2832 of the Regulations.

24 8.

25 The acts and/or omissions of Respondent, as alleged in Paragraph 7, above,
26 constitute grounds for the suspension or revocation of all licenses and license rights of
27 Respondent pursuant to the following provisions of the Code and Regulations:

1 As to Paragraph 7(a), under section 10177(d) and/or 10177(g) of the Code, in
2 conjunction with section 10145 of the Code and section 2832.1 of the Regulations;

3 As to Paragraph 7(b), under section 10177(d) and/or 10177(g) of the Code, in
4 conjunction with section 10145 of the Code and section 2832.1 of the Regulations;

5 As to Paragraph 7(c), under section 10177(d) and/or 10177(g) of the Code, in
6 conjunction with section 10159.5 of the Code and section 2731 of the Regulations;

7 As to Paragraph 7(d), under section 10177(d) and/or 10177(g) of the Code, in
8 conjunction with section 2831.2 of the Regulations;

9 As to Paragraph 7(e), under section 10177(d) and/or 10177(g) of the Code, in
10 conjunction with section 2831.2 of the Regulations;

11 As to Paragraph 7(f), under section 10177(d) and/or 10177(g) of the Code, in
12 conjunction with section 10145 of the Code and section 2834 of the Regulations;

13 As to Paragraph 7(g), under section 10177(d) and/or 10177(g) of the Code, in
14 conjunction with section 10145 of the Code and section 2834 of the Regulations;

15 As to Paragraph 7(h), under section 10177(d) and/or 10177(g) of the Code, in
16 conjunction with section 10145 of the Code and section 2832 of the Regulations;

17 As to Paragraph 7(i), under section 10177(d) and/or 10177(g) of the Code, in
18 conjunction with section 10145 of the Code and section 2832 of the Regulations.

19 9.

20 COST RECOVERY

21 The acts and/or omissions of Respondent, as alleged above in Paragraphs 7 and
22 8, entitle the Bureau to reimbursement of the costs of its audit pursuant to section 10148(b) of
23 the Code.

24 10.

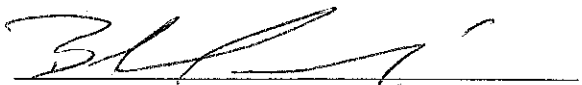
25 Section 10106 of the Code provides, in pertinent part, that in any order issued in
26 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the

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1 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all
5 licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code), for the costs of investigation and enforcement as
7 permitted by law, and for such other and further relief as may be proper under other provisions
8 of law.

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BREND A SMITH
Supervising Special Investigator

Dated at Fresno, California,
this 3 day of February, 2016.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau hereby
makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure*
Act. Failure to provide Discovery to the Bureau may result in the exclusion of witnesses and
documents at the hearing or other sanctions that the Office of Administrative Hearings deems
appropriate.