

FILED

APR 22 2022

DEPARTMENT OF REAL ESTATE

By X. Krupp

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

SEASIDE REAL ESTATE, INC.,
and MARISSA NICOLE HUDSON,

Respondents.

No. H-3428 FR

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 6, 2022, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes real estate licenses on grounds of that Respondent violated of Real Estate Regulations and Law.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On February 16, 2022, Brenda Smith made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on February 16, 2022.

2

On April 6, 2022, no Notice of Hearing having been received or filed herein within the time prescribed by Section 11560 of the Government Code, Respondent's default was entered herein.

3

SEASIDE REAL ESTATE, INC. (SRE) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) as a corporate real estate broker.

4

MARISSA NICOLE HUDSON (HUDSON) is presently licensed and/or has license rights as a real estate broker.

FIRST CAUSE OF ACTION

5

On or about April 4, 2017, Adam S. entered a property management agreement with RESPONDENTS and Donald Hudson, the then designed officer of SRE, whose real estate license was surrendered on August 9, 2018 to manage that certain real property commonly known as 1155 Monterey Ave., Units A, B and C, Morro Bay, California. (Monterey Property)

6

Respondents collected rents as following in 2019 as set forth below, and failed disburse those funds to Adam S., the owner of the Monterey Property:

Unit:	Month	Amount of Rent
A	February	\$2,700
A	March	\$2,700
B	February	\$2,100
B	March	\$2,100
C	February	\$2,100
C	March	\$2,100

2

Total:

\$13,800

7

Because Respondents failed to disburse any of the February or March 2019 rents to Adam S., instead converting the funds to their own accounts, Adam S. terminated the property management agreement with Respondents on March 15, 2019.

8

After the termination of the property management agreement for the Monterey Property, Adam S. requested the return of security deposits, as set forth below: Unit A-\$3,200, Unit B-\$2,600 and Unit C-\$2,600; total of \$8,400.

9

As of the filing of this Accusation Respondents have failed to disburse any of the funds described, in Paragraphs 8 and 10, above, to Adam S.

SECOND CAUSE OF ACTION

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Beginning on April 5, 2018, and continuing intermittently through August 30, 2019, an audit was conducted at RPM's office located at 2750 N. Clovis Avenue, St. 127, Fresno, California, and at the Department's district office located at 2550 Mariposa, Fresno, California, where the auditor examined records for the period of January 1, 2018, through October 1, 2018 (the audit period).

11

In the course of conducting property management activities, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) RESPONDENTS failed to designate Bank Account #1 as a trust account as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations);
- (b) The auditor could not conduct an accountability on Bank Account #1 because RESPONDENTS did not maintain control records, separate beneficiary records and did not perform monthly reconciliations, in violation of Section 10145 of the Code;
- (c) RESPONDENTS failed to maintain control records for Bank Account #1, as required by Section 2831 of the Regulations;
- (d) RESPONDENTS failed to maintain separate beneficiary records for Bank Account #1 as required by Section 2831.1 of the Regulations;

- (e) RESPONDENTS failed to perform monthly reconciliations of the separate beneficiary records and control records for Bank Account #1, as required by Section 2831.2 of the Regulations; and
- (f) RESPONDENTS failed to maintain real estate records, including trust fund records as required by Section 10148 of the Code.

DETERMINATION OF ISSUES

1

The acts and/or omissions of Respondents as alleged above violate Sections 2831, 2831.1, 2831.2, and 2832 of the Regulations and Sections 10145, 10148, 10176(e) and 10176(i) of the Code and are cause for disciplinary action against Respondents pursuant to Sections 10176(e), 10176(i), 10177 (d) and 10177(g) of the Code.

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents SEASIDE REAL ESTATE, INC., and MARISSA NICOLE HUDSON, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAY 13 2022.

DATED: 4.14.22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

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2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 576-8700

FILED

APR 06 2022

DEPARTMENT OF REAL ESTATE
By Kc Knapp

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9 **BEFORE THE DEPARTMENT OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11 * * *

11 In the Matter of the Accusation of)

No. H-3428 FR

12 SEASIDE REAL ESTATE, INC.,)
13 and MARISSA NICOLE HUDSON,)

DEFAULT ORDER

14 Respondents.)

15 Respondents, SEASIDE REAL ESTATE, INC., and MARISSA NICOLE
16 HUDSON, having failed to file a Notice of Defense within the time required by Section 11506
17 of the Government Code, are now in default. It is, therefore, ordered that a default be entered on
18 the record in this matter.

19 IT IS SO ORDERED APR 06 2022

20
21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER

23 

24 By: Chika Sunquist
25 Assistant Commissioner, Enforcement
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