

FILED

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DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 STEVE MARVIN WRIGHT and
13 ALL PROFESSIONAL REALTY INC.,

14 Respondents.

No. H-5846 SAC

FIRST AMENDED
ACCUSATION

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16 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against STEVEN MARVIN WRIGHT and ALL
18 PROFESSIONAL REALTY INC. (Respondents), is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

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21 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
22 the 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 ALL PROFESSIONAL REALTY INC.
3 (APRI) was and is licensed by the State of California Department of Real Estate (Department)
4 as a real estate broker corporation.

5 4

6 At all times mentioned, Respondent STEVE MARVIN WRIGHT (WRIGHT) was
7 and is licensed by the Department individually as a real estate broker, and as the designated
8 broker officer of APRI. As said designated officer-broker, APRI was responsible pursuant to
9 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate
10 licensees, and employees of APRI for which a license is required.

11 5

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

17 6

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

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1 FIRST CAUSE OF ACTION

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

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

11 9

12 The trust funds accepted or received by APRI as described in Paragraph 8, were
13 deposited or caused to be deposited by APRI into trust accounts which were maintained by APRI
14 for the handling of trust funds, and thereafter from time-to-time, APRI made disbursements of
15 said trust funds, identified as follows:

16

TRUST ACCOUNT # 1	
17 Bank Name and Location:	American River bank 2240 Douglas Blvd. 18 Roseville, CA
19 Account No.:	xxxxxx8057
20 Entitled:	All Professional Realty, Inc. dba Century 21 Property Management Trust Account

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TRUST ACCOUNT # 2	
23 Bank Name and Location:	American River bank 2240 Douglas Blvd. 24 Roseville, CA
25 Account No.:	xxxxxx2769
26 Entitled:	All Professional Realty, Inc. dba Century 21 Property Management Trust Steve Wright trustee

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

(a) caused, suffered, or permitted the balance of funds in Trust Account #1 to be reduced to an amount which, as of June 30, 2011, was approximately \$9,160.58 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 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) failed to maintain a written control record of all trust funds received and disbursed, containing all information required by Section 2831 of the Regulations;

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

(d) 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 each account as required by Section 2831.2 of the Regulations.

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

(1) As to Paragraph 10(a), under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

(2) As to Paragraph 10(b), under Section 10177(d) of the Code in conjunction with Section 2831 of the Regulations;

(3) As to Paragraph 10(c), under Section 10177(d) of the Code in conjunction with Section 2831.1 of the Regulations; and

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1 (4) As to Paragraph 10(d), under Section 10177(d) of the Code in
2 conjunction with Section 2831.2 of the Regulations.

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4 The acts and/or omissions of APRI as alleged the First Cause of Action, entitle the
5 Department to reimbursement of the costs of its audit pursuant to Section 10148 (Reimbursement
6 for Cost of Audit for Trust Fund Handling Violation) of the Code.

7 SECOND CAUSE OF ACTION

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

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12 Respondent WRIGHT failed to exercise reasonable supervision over the acts of
13 Respondent APRI in such a manner as to allow the acts and events described above to occur.

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15 The acts and/or omissions of WRIGHT described in Paragraph 14, constitute
16 failure on the part of WRIGHT, as designated broker-officer for APRI, to exercise reasonable
17 supervision and control over the licensed activities of APRI required by Section 10159.2 of the
18 Code.

19 16

20 The facts described above as to the Second Cause of Accusation constitute cause
21 for the suspension or revocation of the licenses and license rights of Respondent WRIGHT under
22 Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in
23 conjunction with Section 10177(d) of the Code.

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PRIOR DISCIPLINARY ACTION

Effective April 5, 2005, in Case No. H-4064 SAC before the Department of Real Estate, the Real Estate Commissioner revoked the real estate broker licenses of Respondents, for APRI violations of Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Sections 2831.2, 2832.1, 2832, and 2835, of the Regulations, and for WRIGHT's violation of Section 10177(h) of the Code, but granted the right to a restricted real estate broker license, on terms, conditions, and restrictions set forth in the Order.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.


TRICIA SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 4th day of January, 2013

DISCOVERY DEMAND

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