

**FILED**

MAR - 1 2013

DEPARTMENT OF REAL ESTATE

By R. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

PLT PROPERTY MANAGEMENT,  
PRESTON LEE TROTTER, JR. and  
RAMESHWAR PRASAD,

Respondents.

No. H-5860 SAC

(As to PLT Property  
Management and Preston  
Lee Trotter, Jr. only)

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 January 28, 2013, 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 the real estate license and/or license rights of PLT PROPERTY MANAGEMENT ("PLT") on grounds of violations of Sections 10162 (maintenance of definite place of business), 10176(i) (fraud or dishonest dealing), and 10177(d) (willful disregard or violation of real estate law) and/or 10177(g) (negligence or incompetence) of the Business and Professions Code ("the Code"), and Section 2715 (notification to Department of Real Estate of principal place of business) of the California Code of Regulations ("the Regulations"); and the real estate license and/or license rights of PRESTON LEE TROTTER, JR., ("TROTTER"), on grounds of violations of Sections 10159.2 (responsibility of corporate officer in charge), 10162, 10176(i), 10177(d) and/or 10177(g), and 10177(h) (reasonable broker supervision) of the Code, and Sections 2715 and 2725 (broker supervision) of the Regulations.

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 Respondents.

### FINDINGS OF FACT

1

On August 8, 2012, Tricia D. Sommers made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents' last known mailing addresses on file with the Department on August 9, 2012.

On January 28, 2013, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2

At all times relevant, PLT was licensed and/or had license rights under the Code as a corporate real estate broker, which license expired May 11, 2012.

3

TROTTER is presently licensed and/or has license rights under the Code as a real estate broker. For the period of January 28, 2010, through May 11, 2012, TROTTER was licensed by the Department as the designated broker/officer of PLT. As the designated broker/officer, TROTTER was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of PLT for which a real estate license is required.

4

At all times relevant, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code (broker defined – property management/collection of rent), including the operation and conduct of a property management business with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondents leased or rented and offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

5

On or about January 26, 2006, PLT entered into a property management agreement with Yohannes G. to manage her real properties located at 8512 Vintage Park Drive and 5050 64<sup>th</sup> Street in Sacramento, California. After collecting rent payments on those properties, PLT was late in making payment to Yohannes G. for multiple months, including, but not limited to April, May and July 2010. In addition, on at least two occasions, the checks submitted by PLT to Yohannes G. for rent payments collected on the Vintage Park Drive and 64<sup>th</sup> Street properties were returned by the bank for insufficient funds.

6

On or about February 21, 2008, PLT entered into a property management agreement with Mary H. to manage her real property located at 10150 Omeara Drive, Sacramento, California. After collecting rent payments on that property, PLT failed to remit those payments to Mary H. for the months of June, July and August, 2010. In addition, a rent payment made by PLT to Mary H. for rent collected on the Omeara Drive property on June 29, 2010, was returned by the bank for insufficient funds.

7

In or about 2010, PLT entered into a property management agreement with Mahbub S. to manage his real properties located at 7544 Whisperwillow Drive and 7226 Willowwind Court in Sacramento, California. After collecting rent payments on those properties, PLT remitted only partial payment to Mahbub S. for the rent collected on the Whisperwillow Drive and Willowwind Court properties for the month of June 2010, and failed to remit any rent payments collected to Mahbub S. for the months of July and August 2010.

8

On or about September 1, 2009, PLT entered into a property management agreement with Stephen J. and Michele J. to manage their real property located at 8646 Heritage Hill Drive, Elk Grove, California. After collecting rent payments on those properties, PLT failed to remit any payments to Stephen J. and Michele J. for the months of November 2009 through June 2010. PLT also failed to turn over to Stephen J. and Michele J. a \$500 pet security deposit payment made by the renters of the property. In addition, on at least three occasions, the checks submitted by PLT to Stephen J. and Michele J. for rent payments collected on the Heritage Hill Drive property were returned by the bank for insufficient funds.

9

TROTTER informed the Department that his main office address, and that of PLT, is 9245 Laguna Springs Drive, Suite 200, Elk Grove, California. In addition, TROTTER informed the Department that his residence address is 9804 Ruddy Duck Way, Elk Grove,

California. At no time to the date of the filing of the Accusation did the Department receive notice from TROTTER or PLT, or any other responsible party, that any of their addresses listed with the Department have changed. An audit was requested of PLT's trust fund accounts and records for the period of May 1, 2010, to May 31, 2011, to determine whether PLT handled and accounted for trust funds in accordance with the Real Estate Law and the Commissioner's Regulations. On or about July 11, 2011, an auditor from the Department's Sacramento Office sent a letter to TROTTER at his official office address informing him that an audit entrance conference was scheduled at PLT's main office for July 18, 2011. That letter was returned to the Department by the U.S. Postal Service marked "addressee unknown". On or about July 18, 2011, the Department's auditor attempted to locate TROTTER at the office address listed with the Department for PLT and TROTTER. On that date, the auditor interviewed Nishant Kohli, general manager of the property located at 9245 Laguna Springs Drive, and was told that TROTTER had left months before with rent still owed for his office space. In addition, the auditor made several unsuccessful attempts to locate TROTTER at his residence address listed with the Department.

10

During the period of January 28, 2010, through May 11, 2012, TROTTER failed to exercise reasonable supervision over the acts of PLT and its agents and employees in such a manner as to allow the acts and omissions as set forth in Paragraphs 5 through 9, above, to occur.

#### DETERMINATION OF ISSUES

1

Cause of disciplinary action against PLT exists with reference to the facts set out in Paragraphs 5 through 9, above, for violation of Sections 10162, 10176(i), 10177(d) and 10177(g) of the Code, and Section 2715 of the Regulations.

2

Cause for disciplinary action against TROTTER exists with reference to the facts set out in Paragraphs 5 through 10, above, for violation of Sections 10159.2, 10162, 10176(i), 10177(d), 10177(g) and 10177(h) of the Code, and Sections 2715 and 2725 of the Regulations.

3

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

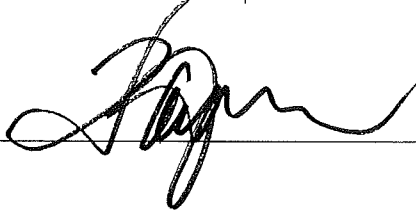
ORDER

All licenses and licensing rights of Respondents PLT PROPERTY MANAGEMENT and PRESTON LEE TROTTER, JR., 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 MAR 22 2013

DATED: 2/27/2013

REAL ESTATE COMMISSIONER



A handwritten signature in black ink, appearing to read 'P. Trotter', is written over a horizontal line.

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

**FILED**

JAN 28 2013

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) No. H-5860 SAC  
12 )  
13 PLT PROPERTY MANAGEMENT, ) DEFAULT ORDER  
14 PRESTON LEE TROTTER, JR., and )  
15 RAMESHWAR PRASAD, ) (As to PLT Property  
16 ) Management and  
17 Respondents. ) Preston Lee Trotter, Jr.  
18 ) Only)

17 Respondents, PLT PROPERTY MANAGEMENT and PRESTON LEE  
18 TROTTER, JR., having failed to file a Notice of Defense within the time required by Section  
19 11506 of the Government Code, are now in default. It is, therefore, ordered that a default be  
20 entered on the record in this matter.

21 IT IS SO ORDERED

1/28/13

22 REAL ESTATE COMMISSIONER

23  
24  
25 By:

Joe M. Carrillo  
26 JOE M. CARRILLO  
27 Northern Regional Manager