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DEPARTMENT OF REAL ESTATE

By B. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13) NO. H-5964 SAC
14 TERRI RAWSON BOWMAN,)
15) ACCUSATION
Respondent.)

16 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
17 the State of California, makes this Accusation in her official capacity for cause of Accusation
18 against TERRI RAWSON BOWMAN dba Premier Properties (herein "Respondent") and is
19 informed and alleges as follows:

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21 At all times herein mentioned, Respondent is licensed and/or has license rights
22 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein
23 the "Code").

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25 At all times herein mentioned, Respondent was and now is licensed by the
26 State of California Department of Real Estate (herein the "Department") as a real estate broker.

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At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker for others for compensation, or in expectation of compensation, within the State of California within the meaning of:

- (a) Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage wherein Respondent sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity; and
- (b) Section 10131(b) of the Code, the operation of a property management business with the public wherein Respondent leased or rented and offered to lease or rent, and placed for rent, and/or solicited listings of places for rent, and/or solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon

In so acting as a real estate broker, as described in Paragraph 3, above, Respondent accepted or received funds in trust (herein "trust funds") from or on behalf of sellers, buyers, borrowers, owners, tenants and others in connection with real estate sales, leasing, renting, and collection of rents on real property or improvements thereon, and thereafter from time to time made disbursements of said funds.

The aforesaid trust funds accepted or received by Respondent were deposited or caused to be deposited by Respondent into one or more bank accounts (herein "trust fund accounts") maintained by Respondent for the handling of trust funds at the Murphy's, California branch of El Dorado Savings Bank, "Terri R. Bowman Premier Properties Escrow Account," account number xxxxxx5159 (herein "Bank Account #1").

Between about June 1, 2010 and May 31, 2012, in connection with the collection and disbursement of said trust funds, Respondent:

- (a) failed to place trust funds entrusted to Respondent into the hands of a principal on whose behalf the funds were received, into a neutral escrow depository, or into a trust fund account in the name of Respondent as trustee at a bank or other financial institution, in conformance with the requirements of Section 10145 of the Code and Section 2832 of Title 10, the California Code of Regulations (herein the "Regulations"), in that Respondent placed such funds into Bank Account #1, an account not designated as a trust account that was not in the name of Respondent as trustee;
- (b) failed to keep a columnar record in chronological sequence of all trust funds received and disbursed from Bank Account #1 containing all the information required by Section 2831 of the Regulations;
- (c) failed to keep a separate record for each beneficiary or transaction for Bank Account #1 containing all the information required by Section 2831.1 of the Regulations;
- (d) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with Bank Account #1, as required by Section 2831.2 of the Regulations;
- (e) failed to maintain a Record of Trust Funds Received – Not Deposited into Broker's Trust Account for earnest money deposits collected in connection with residential purchase agreements, in violation of Section 2831(a)(6) of the Code;
- (f) failed to obtain a real estate license bearing the fictitious business name "Premier Properties," while conducting activities for which a

1 license was required, in violation of Section 10159.5 of the Code
2 and Section 2731 of the Regulations; and

- 3 (g) failed to disclose her real estate license identification number on her
4 website, in violation of Section 10140.6 of the Code and Section
5 2773 of the Regulations.

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7 The facts alleged above are grounds for the suspension or revocation of the
8 licenses and license rights of Respondent under the following provisions of the Code and/or the
9 Regulations:

- 10 (a) as to Paragraph 6(a) under Section 10145 of the Code and
11 Section 2832 of the Regulations in conjunction with Section
12 10177(d) of the Code;
- 13 (b) as to Paragraph 6(b) under Section 2831 of the Regulations in
14 conjunction with Section 10177(d) of the Code;
- 15 (c) as to Paragraph 6(c) under Section 2831.1 of the Regulations in
16 conjunction with Section 10177(d) of the Code;
- 17 (d) as to Paragraph 6(d) under Section 2831.2 of the Regulations in
18 conjunction with Section 10177(d) of the Code;
- 19 (e) as to Paragraph 6(e) under Section 2831(a)(6) of the Regulations
20 in conjunction with Section 10177(d) of the Code;
- 21 (f) as to Paragraph 6(f) under Section 10159.5 of the Code and
22 Section 2731 of the Regulations in conjunction with Section
23 10177(d) of the Code; and
- 24 (g) as to Paragraph 6(g) under Section 10140.6 of the Code and
25 Section 2773 of the Regulations in conjunction with Section
26 10177(d) of the Code.

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1 COST RECOVERY

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3 Audit Costs

4 The acts and/or omissions of Respondent as alleged above, entitle the Department
5 to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

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7 Investigation and Enforcement Costs

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

12 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
13 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of
15 Division 4 of the Business and Professions Code), for the cost of the investigation and
16 enforcement as permitted by law, and for such other and further relief as may be proper under
17 other applicable provisions of law.

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20 TRICIA SOMMERS
21 Deputy Real Estate Commissioner
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24 Dated at Sacramento, California

25 this 19th day of February, 2013.
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