

FILED

March 18, 2013

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DEPARTMENT OF REAL ESTATE

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9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 FELICIA SPRING BRIDGE)
14 and SCOTT DOUGLAS COOPER,)
15 Respondents.)

No. H-5970 SAC

ACCUSATION

16 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against FELICIA SPRING BRIDGE and SCOTT
18 DOUGLAS COOPER (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 SCOTT DOUGLAS COOPER (COOPER)
3 was and is licensed by the State of California Department of Real Estate (Department)
4 individually as a real estate broker.

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6 At all times prior to February 25, 2012, Respondent FELICIA SPRING BRIDGE
7 (BRIDGE) was and is licensed by Department as a real estate salesperson. From on or about
8 August 11, 2008 through August 18, 2011, BRIDGE's salesperson license was affiliated under
9 the brokerage of COOPER.

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11 At no time mentioned was "Pacific West Realty" and/or "Pacific West Property
12 Management" licensed by the Department in any capacity.

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14 At all times mentioned, Respondents engaged in the business of, acted in the
15 capacity of, advertised, or assumed to act as a real estate broker within the State of California
16 within the meaning of Sections 10131(b) of the Code, including the operation and conduct of a
17 property management business with the public wherein, on behalf of others, for compensation or
18 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and
19 solicited for prospective tenants of real property or improvements thereon, and collected rents
20 from real property or improvements thereon.

21 FIRST CAUSE OF ACTION

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

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26 Beginning on or about August 19, 2011, BRIDGE willfully caused, suffered,
27 permitted, and/or disregarded the real estate law by performing the acts and conducting the real

1 estate activities described in Paragraph 6, including but not limited to the activities described in
2 Paragraph 9, below.

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4 Beginning on or about August 19, 2011, in the course of the employment and
5 activities described in Paragraph 8, BRIDGE solicited prospective tenants for, negotiated rental
6 agreements for, and/or collected rents from real properties owned by another or others, including
7 but not limited to the following:

8

Property Owner	Property Address
Betty C.	1214 Pheasant Drive, Suisun City
Betty C.	807 Scaup Lane, Suisun City
Betty C.	2007 Sousa Court, Fairfield
Erich and Doerthe D.	1150 Cormont Place, Fairfield
Genovefa C.	824 Greenhead Way, Suisun City
Jose and Jacqueline A.	206 Tokay Court, Fairfield
Shirley P.	320 Hamilton Drive, Fairfield
Gary L.	1067 Mockingbird Court, Fairfield
Kim D.	454 Mountain Meadows Drive, Cordelia
Ester F.	518 Fortuna Court, Suisun City
Danny C.	540 Pacific Avenue, Fairfield
Danny C.	2155 North Texas Street, Fairfield
Sheavounda W.	23 Villa Court, Fairfield
Ramiro M.	176 Del Sur Court, Fairfield
Richard S.	1121 Mayfield Circle, Suisun City
Wayne and Fran E.	3015 Popular Court, Fairfield
Glen G.	110 Pau Court, Fairfield

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21 In acting as described above, BRIDGE violated and/or willfully disregarded
22 Section 10130 of the Code.

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24 The facts alleged in the First Cause of Accusation are grounds for the suspension
25 or revocation of BRIDGE's licenses and license rights pursuant to Section 10130 of the Code in
26 conjunction with Section 10177(d) of the Code.

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1 SECOND CAUSE OF ACTION

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3 Each and every allegation in Paragraphs 1 through 11, inclusive, is incorporated
4 by this reference as if fully set forth herein.

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6 While acting as a real estate licensee as described in Paragraph 6, Respondents
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 14

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

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ACCOUNT # 1	
17 Bank Name and Location:	West America Bank
18 Account No.:	XXX-XX826-8
19 Entitled:	Pacific West Realty Common Client Trust Account

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23 In the course of the activities described in Paragraph 6, Respondents:

24 (a) failed to deposit trust funds into one or more trust funds accounts in the
25 name of COOPER as trustee at a bank or other financial institution, in conformance with Section
26 10145 of the Code and Section 2832 of the Regulations;

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1 (b) caused, permitted, and/or allowed, the possible withdrawal of trust funds
2 from Account #1 by Kent Hill, a person who was not licensed by the Department and not covered
3 by a fidelity bond, in violation of Section 2834 of the Regulations;

4 (c) failed to retain for three years, as required by Section 10148(a) of the
5 Code, copies of all transaction documents and trust fund records, in connection with transactions
6 for which a real estate license is required; and

7 (d) operated the property management business, under the fictitious business
8 names of "Pacific West Realty" and/or "Pacific West Property Management" without obtaining a
9 license bearing said fictitious business name in violation of Section 2731 of the Regulations.

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11 In the course of the activities described in Paragraph 6, BRIDGE collected rents
12 from tenants and failed to deliver the rent collected to her employing broker, into the custody of
13 the broker's principal, to a neutral escrow depository, or deposit the rents collected into a trust
14 fund account in the name of the broker as trustee in violation of Section 10145(c) of the Code
15 (salesperson licensee shall deliver trust funds to broker, into the custody of the broker's
16 principal, to a neutral escrow depository, or into broker's trust account) and Section 2832 of the
17 Regulations (salesperson licensee shall deliver trust funds to broker, into the custody of the
18 broker's principal, to a neutral escrow depository, or into trust fund account in the name of the
19 broker as trustee).

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21 The facts alleged in the Second Cause of Action are grounds for the suspension
22 or revocation of Respondents' licenses and license rights under the following sections of the
23 Code and Regulations:

24 (1) As to Paragraph 15(a), under Section 10177(d) of the Code in conjunction
25 with Section 10145 of the Code and Section 2832 of the Regulations;

26 (2) As to Paragraph 15(b), under Section 10177(d) of the Code in
27 conjunction Section 2834 of the Regulations;

1 (3) As to Paragraph 15(c), under Section 10177(d) of the Code in conjunction
2 Section 10148(a) of the Code; and

3 (4) As to Paragraph 15(d), under Section 10177(d) of the Code in
4 conjunction with Section 10159.5 of the Code and Section 2731 of the Regulations.

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6 The facts alleged in Paragraph 16 are grounds for the suspension or revocation of
7 BRIDGE's licenses and license rights under Section 10177(d) of the Code in conjunction with
8 Section 10145(c) of the Code and Section 2832 of the Regulations.

9 THIRD CAUSE OF ACTION

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11 Each and every allegation in Paragraphs 1 through 20, inclusive, is incorporated
12 by this reference as if fully set forth herein.

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14 Between on or about August 2011 and November 2011, BRIDGE converted trust
15 funds in connection with the property management activities described in Paragraph 6. BRIDGE
16 converted said trust funds to BRIDGE's own use and benefit or to purposes not authorized by the
17 rightful owners of said funds. The amount of said converted trust funds is unknown but well
18 known to BRIDGE and is not less than \$40,000.

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20 The facts alleged in the Third Cause of Action are grounds for the suspension or
21 revocation of BRIDGE's licenses and license rights under Sections 10176(i), 10177(g), and/or
22 10177(j) of the Code.

23 FORTH CAUSE OF ACTION

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25 Each and every allegation in Paragraphs 1 through 21, inclusive, is incorporated
26 by this reference as if fully set forth herein.

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At all times prior to August 18, 2011, COOPER was responsible, as the Employing broker of BRIDGE, for the supervision and control of the activities conducted on behalf of Respondent COOPER by Respondent BRIDGE. Respondent COOPER failed to exercise reasonable supervision and control over the property management of Respondent BRIDGE. In particular, Respondent COOPER participated in, permitted, ratified, and/or caused the conduct described in the Second Cause of Action, above, to occur, and failed to take reasonable steps to insure, including, but not limited to, proper transactional record keeping, proper trust fund record keeping, proper review of trust fund records and accounts, that trust funds would be deposited to an account properly designated as a trust account in Respondent COOPER's name as broker and trustee, and proper supervision of employee's conduct of property management activities.

The facts described above as to the Fourth Cause of Accusation constitute cause for the suspension or revocation of the licenses and license rights of COOPER under Section 10177(g) and/or Section 10177(h) of the Code.

COST RECOVERY

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.

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

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8 TRICIA SOMMERS
9 Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 13th day of March, 2013

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14 DISCOVERY DEMAND

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