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APR 24 2014
BUREAU OF REAL ESTATE

By *K. Contreras*

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 DELTA REALTY GROUP, INC., and) NO. H-6117 SAC
13 DANIEL P. DI SANO)
14 Respondents.) ACCUSATION
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16 The Complainant, TRICIA D. PARKHURST, in her official capacity as a
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
18 Respondent DELTA REALTY GROUP, INC. ("DELTA"), individually and doing business as
19 "Delta Mortgage Group", and Respondent DANIEL P. DI SANO ("DI SANO"), (collectively
20 "Respondents"), is informed and alleges as follows:

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22 At all times relevant, DELTA was licensed and/or had license rights by the
23 Bureau of Real Estate ("the Bureau") as a corporate real estate broker under the Real Estate Law,
24 Part 1 of Division 4 of the Business and Professions Code ("the Code").

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26 At all times relevant, DI SANO was licensed and/or had license rights by the
27 Bureau as a real estate broker, and was licensed by the Bureau as the designated broker/officer

1 of DELTA. As the designated broker/officer, DI SANO was responsible, pursuant to Section
2 10159.2 (responsibility of corporate broker in charge) of the Code for the supervision of the
3 activities of the officers, agents, real estate licensees and employees of DELTA for which a real
4 estate license is required.

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6 At no time has Fay Di Sano ("F. DI SANO") been licensed to conduct real estate
7 activity in the State of California.

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9 At no time has Kevin Di Sano ("K. DI SANO") been licensed to conduct real
10 estate activity in the State of California.

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12 At all times relevant, Respondents engaged in the business of, acted in the
13 capacity of, advertised or assumed to act as real estate brokers in the State of California within
14 the meaning of Section 10131(a) (sale/purchase of real estate) of the Code, including selling or
15 offering to sell, buying or offer to buy, soliciting prospective sellers or purchasers of, soliciting
16 or obtaining lists of, or negotiating the purchase, sale or exchange of real property; and Section
17 10131(b) (property management) of the Code, including the operation and conduct of a property
18 management business with the public, wherein, on behalf of others, for compensation or in
19 expectation of compensation, Respondents leased or rented and offered to lease or rent, and
20 solicited for prospective tenants of real property or improvements thereon, and collected rents
21 from real property or improvements thereon.

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23 Whenever reference is made in an allegation in this Accusation to an act or
24 omission of DELTA, such allegation shall be deemed to mean that the officers, directors,
25 employees, agents and real estate licensees employed by or associated with DELTA committed
26 such act or omission while engaged in furtherance of the business or operations of DELTA and
27 while acting within the course and scope of their corporate authority and employment.

1 FIRST CAUSE OF ACTION

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3 On or about August 7, 2013, and continuing intermittently through October 23,
4 2013, an audit was conducted of Respondents at their main office located at 1299 Oliver Road,
5 Fairfield, California, where the auditor examined the records for the period of September 1,
6 2010, through July 31, 2013 (the audit period).

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8 While acting as a real estate broker as described in Paragraph 5, above, and within
9 the audit period, Respondents accepted or received funds in trust (trust funds) in the course of the
10 real estate activities and deposited or caused to be deposited those funds into a bank account
11 maintained by Respondents, including, but not limited to:

12 Trust Account #1

13 First Northern Bank
14 1455 Oliver Road
15 Fairfield, CA 94534

16 Account No.: XXX3091

17 Account Name: Delta Realty Group Inc Trust Account

18 Signatories: Dan Di Sano (REB)
19 Marisa Di Sano (RES)
20 Fay Di Sano (unlicensed)
21 Kevin Di Sano (unlicensed)

22 Trust Account #2

23 First Northern Bank
24 1455 Oliver Road
25 Fairfield, CA 94534

26 Account No.: XXX8283

27 Account Name: Delta Realty Group Inc Trust Escrow

Signatories: Dan Di Sano (REB)
Marisa Di Sano (RES)
Fay Di Sano (unlicensed)

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1 Trust Account #3

2 First Northern Bank
3 1455 Oliver Road
4 Fairfield, CA 94534

5 Account No.: XXX3030

6 Account Name: Delta Realty Group Inc

7 Signatories: Dan Di Sano (REB)
8 Marisa Di Sano (RES)
9 Fay Di Sano (unlicensed)
10 Kevin Di Sano (unlicensed)

11 Thereafter, Respondents from time-to-time made disbursement of said trust funds.

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13 In the course of the activities described in Paragraph 5, above, in connection with
14 the collection and disbursement of trust funds:

15 (a) As of February 28, 2013, there was a shortage in Respondents' Trust
16 Account #1 of at least \$271,947.26. As of June 28, 2013, there was a shortage in Respondents'
17 Trust Account #1 of at least \$272,187.76. As of July 31, 2013, there was a shortage in
18 Respondents' Trust Account #1 of at least \$9,053.03. Respondents failed to obtain the prior
19 written consent of every principal who is an owner of the funds in Trust Account #1 prior to any
20 disbursement which would reduce the balance of the funds in Trust Account #1 to an amount less
21 than the existing aggregate account liability of Respondents to all owners and/or principals of
22 those funds. Such acts and/or omissions by Respondents violate Section 10145 (handling of trust
23 funds) of the Code and Section 2832.1 (trust fund handling for multiple beneficiaries) of Title 10
24 of the California Code of Regulations ("the Regulations").

25 (b) As of February 28, 2013, Respondents had over disbursed \$182,664.07 of
26 the management fees and maintenance reimbursements to themselves from Trust Account #1
27 into Trust Account #3. As of June 28, 2013, Respondents had over disbursed \$183,521.07 of the
28 management fees and maintenance reimbursements to themselves from Trust Account #1 into
29 Trust Account #3. Such acts and/or omissions by Respondents violate Section 10177(g)
30 (negligence) of the Code.

1 (c) Respondents allowed non-licensees F. DI SANO and K. DI SANO to be
2 signatories on Trust Account #1 and #2. In addition, Respondents failed to maintain adequate
3 fidelity bond coverage for F. DI SANO and K. DI SANO. Such acts and/or omissions by
4 Respondents violate Section 10145 of the Code and Section 2834 (trust account withdrawals) of
5 the Regulations.

6 (d) Respondents failed to maintain complete and accurate separate records of
7 each beneficiary of funds held in Trust Accounts #1 and #2. Such acts and/or omissions by
8 Respondents violate Section 10145 of the Code and Section 2831.1 (requirement of separate
9 records for each beneficiary or transaction) of the Regulations.

10 (e) Respondents failed to reconcile the total of separate beneficiary/property
11 records with a control record on a monthly basis for Trust Account #1. Such acts and/or
12 omissions by Respondents violate Section 10145 of the Code and Section 2831.2 (trust fund
13 reconciliation requirement) of the Regulations.

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15 The facts alleged in Paragraph 9, above, are grounds for the suspension or
16 revocation of the licenses and license rights of Respondents under Sections 10176(i), 10177(d)
17 (willful disregard of Real Estate Law) and/or 10177(g) (negligence/incompetence) of the Code.
18 In addition, the Bureau is entitled to reimbursement from Respondents for the costs of its audit
19 pursuant to Section 10148(b) (cost of audit in final decision following disciplinary hearing) of
20 the Code.

21 COST RECOVERY

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

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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, and for such other and further relief as may be proper under the provisions of law.


TRICIA D. PARKHURST
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 17th day of April, 2014.