

MARY F. CLARKE, Counsel (SBN 186744)
BUREAU OF REAL ESTATE
1651 Exposition Blvd.
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670
-or- (916) 263-7303 (Direct)
-or- (916) 263-3767 (Fax)

FILED

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BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	
	)	NO. H-6175 SAC
MARIE JOSEPHINE ROSSI,	)	
	)	<u>ACCUSATION</u>
Respondent.	)	

The Complainant, TRICIA D. PARKHURST, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation in her official capacity against MARIE JOSEPHINE ROSSI (herein "Respondent") dba Napa Valley Rentals Only, is informed and alleges as follows:

1

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

2

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

3

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 wherein, on behalf of others,

1 for compensation or in expectation of compensation within the State of California within the
2 meaning of Section 10131(b) of the Code in the operation of a property management business
3 with the public, Respondent leased or rented or offered to lease or rent, placed for rent, or
4 solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale,
5 purchase or exchanges of leases on real property, or on a business opportunity, or collected rents
6 from real property or improvements thereon or from business opportunities.

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9 In so acting as a real estate broker, as described in Paragraph 3 above, Respondent
10 accepted or received funds in trust (herein "trust funds") from or on behalf of owners, tenants,
11 and others in connection with the leasing, renting, and collection of rents on real property or
12 improvements thereon.

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15 The aforesaid trust funds accepted or received by Respondent were deposited or
16 caused to be deposited by Respondent into one or more bank accounts (herein "trust fund
17 accounts") maintained by Respondent for the handling of trust funds at the following financial
18 institutions including but not necessarily limited to the Napa branch of Wells Fargo Bank in the
19 name of "Marie Rossi Ruffino DBA Napa Valley Rentals Only", account number xxxxxx1217
20 (herein "Bank #1").

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23 Between about November 7, 2013 and about November 14, 2013, an audit was
24 conducted of the records of Respondent in connection with the activities described in
25 Paragraphs 3 through 5, above. The auditor herein examined the records for the period between
26 about September 1, 2012 and about September 30, 2013, and found Respondent:

- 27 (a) failed to make available for examination by the Bureau after proper
notice copies of property management and lease agreements for properties
owned by Bonnie M. (herein "Bonnie"), in violation of Section 10148 of
the Code;

- 1 (b) failed to place trust funds entrusted to Respondent into the hands of a
2 principal on whose behalf the funds were received, into a neutral escrow
3 depository, or into a trust fund account in the name of Respondent as trustee
4 at a bank or other financial institution, in conformance with the requirements
5 of Section 10145 of the Code and Section 2832 of Chapter 6, Title 10, of the
6 California Code of Regulations (herein "the Regulations");
- 7 (c) failed to keep a columnar record in chronological sequence of all trust
8 funds received and disbursed from Bank #1 containing all the information
9 required by Section 2831 of the Regulations;
- 10 (d) failed to keep a separate record for each beneficiary or transaction for
11 Bank #1 containing all the information required by Section 10145 of the
12 Code and Section 2831.1 of the Regulations;
- 13 (e) failed to reconcile at least once a month, the balance of all separate
14 beneficiary or transaction records with Bank #1, as required by Section
15 2831.2 of the Regulations; and
- 16 (f) authorized Jeff Forcier (herein "Forcier") an unlicensed person without
17 fidelity bond coverage, and Carrie Rizzotti, who was not an employee of
18 Respondent, to make withdrawals from Bank #1, in violation of Section
19 2834 of the Regulations.

21 On about October 26, 2011, Respondent allowed and compensated an unlicensed
22 individual, Forcier, to enter into a "One Year Residential Rental Agreement" with tenant Lisa H.,
23 which tenancy began on November 1, 2011 and ended on November 30, 2012, for a property
24 located on [Azalea Way] in Vacaville, CA, owned by Bonnie, resulting in damages to Bonnie in
25 the amount of about \$2,590 (Napa County Superior Court, Case #13C00199) and disciplinary
26 action against Respondent (North Bay Association of REALTORS, Case #D04 2013 N), in
27 violation of Sections 10130, 10137 and 10177(g) of the Code.

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

- (a) as to Paragraph 6(a) under Section 10148 of the Code, in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 6(b) under Section 10145 of the Code and Section 2832 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 6(c) under Section 2831 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 6(d) under Section 10145 of the Code and Section 2831.1 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (e) as to Paragraph 6(e) under Section 2831.2 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (f) as to Paragraph 6(f) under Section 2834 of the Regulations, in conjunction with Section 10177(d) of the Code; and,
- (g) as to Paragraph 7 under Sections 10130, 10137 and 10177(g) of the Code, in conjunction with Section 10177(d) of the Code.

COST RECOVERY

Audit Costs

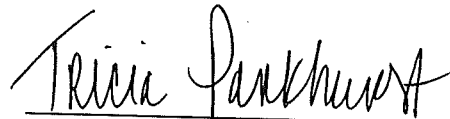
The acts and/or omissions of Respondent as alleged in Paragraph 8, above, entitle the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

Investigation and Enforcement Costs

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the

1 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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

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11 TRICIA PARKHURST
12 Deputy Real Estate Commissioner

13 Dated at Sacramento, California

14 this 7th day of September, 2014.
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