

FILED

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BUREAU OF REAL ESTATE

By *h dew*

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9 BEFORE THE
10 BUREAU OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Accusation of)
14 AMERICAN HORIZON GROUP) NO. H-6400 SAC
15 SERVICES, INC. and ROBERT)
16 ALLEN BUSSELL,) ACCUSATION
Respondents.)

17 The Complainant, TRICIA D. PARKHURST, a Supervising Special
18 Investigator of the State of California, makes this Accusation in her official capacity against
19 AMERICAN HORIZON GROUP SERVICES, INC. ("AHGS") and ROBERT ALLEN
20 BUSSELL ("BUSSELL"), (collectively "Respondents"), and is informed and alleges as
21 follows:

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23 At all times herein mentioned, Respondents were and now are licensed and/or
24 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
25 Professions Code) ("Code").

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At all times herein mentioned, AHGS was and now is licensed by the State of California Bureau of Real Estate ("Bureau") as a corporate real estate broker, by and through BUSSELL as designated officer-broker of AHGS, to qualify said corporation and to act for said corporation as a real estate broker.

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At all times herein mentioned, BUSSELL was and now is licensed by the Bureau, individually as a real estate broker, and as the designated broker officer of AHGS. As said designated broker officer, BUSSELL was at all times mentioned herein 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 AHGS for which a license is required.

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

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At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers wherein, on behalf of others, for compensation or in expectation of compensation within the State of California, within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings or places for rent, or solicited for prospective tenants, or negotiated the sale, purchase, or exchange of leases on real

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1 property or on a business opportunity, or collected rents from real property, or improvements
2 thereon, or from business opportunities.

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4 In so acting as real estate brokers as described in Paragraph 5, above,
5 Respondents accepted or received funds in trust ("trust funds") from or on behalf of tenants,
6 owners, and others in connection with renting and the collection of rents on real property or
7 improvements thereon, and thereafter from time-to-time made disbursements of said funds.

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9 The aforesaid trust funds accepted or received by Respondents were deposited
10 or caused to be deposited by Respondents into one or more bank accounts ("bank accounts")
11 maintained by Respondents for the handling of trust funds at the following financial
12 institutions:

- 13 a) Bank of America, Roseville, CA 95661, account name "Robert Bussell,
14 American Horizon Group Services Inc.," account number xxxxxx6483
15 ("Bank Account #1"); and,
16 b) Bank of America, Roseville, CA 95661, account name "American
17 Horizon Group Services Inc.," account number xxxxxxxx3168 ("Bank
18 Account #2).

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20 Between about February 12, 2015, and about September 18, 2015, an audit
21 was conducted of the records of Respondents in connection with the activities described in
22 Paragraphs 5, 6, and 7, above. The auditor herein examined the records for the period
23 between about January 1, 2014, and about January 31, 2015, and found Respondents:

- 24 a) caused, suffered, or permitted the balance of funds in Bank Account #1
25 to be reduced to an amount, which as of December 31, 2014, was
26 approximately \$77,841.08 less than the aggregate liability of AHGS to
27 all owners of such funds, without the prior written consent of the

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owners of such funds, in violation of Section 10145 of the Code and Section 2832.1 of Chapter 6, Title 10, of the California Code of Regulations (“Regulations”);

- b) authorized Stacy B. and Wisfe A., individuals not licensed by the Bureau, to make withdrawals from Bank Account #1 and #2, in violation of Section 2834 of the Regulations;
- c) caused a portion of the shortage in Bank Account #1 identified in subparagraph a), above, by withdrawing funds in excess of those earned by Respondents. Specifically, Respondents caused a negative balance to occur in the amount of \$25,785.00, without obtaining permission from each of the beneficiaries of the trust funds held in Bank Account #1, before withdrawing funds in excess of those earned by Respondents. Such acts or omissions constitute an act of fraud or dishonesty perpetrated against the beneficiaries of the trust funds held in Bank Account #1, pursuant to Section 10176(i) of the Code.

The acts and/or omissions of Respondents as alleged in Paragraph 8, above, constitute grounds for the suspension or revocation of all licenses and license rights of Respondents pursuant to the following provisions of the Code and Regulations:

As to Paragraph 8(a), under Section 10145 of the Code in conjunction with Section 2832.1 of the Regulations;

As to Paragraph 8(b), under Section 2834 of the Regulations; and,

As to Paragraph 8(c), under Section 10176(i) of the Code.

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1 COST RECOVERY

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3 Audit Costs

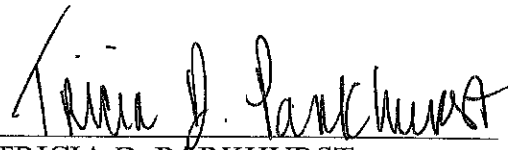
4 The acts and/or omissions of Respondent as alleged above entitle the Bureau to
5 reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

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7 Investigation and Enforcement Costs

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

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

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21 TRICIA D. PARKHURST
22 Supervising Special Investigator

23 Dated at Sacramento, California

24 this 7/9th day of May, 2016.