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BUREAU OF REAL ESTATE

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9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of

13 THE ROBERT BASSO COMPANY, INC., and
14 ROBERT CLYDE BASSO,

15 Respondents.

16 CalBre No. H- 6409 SAC

17 ACCUSATION

18 The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of
19 the State of California, for cause of Accusation against THE ROBERT BASSO COMPANY.
20 INC., and ROBERT CLYDE BASSO (collectively "Respondents"), is informed and alleges as
21 follows:

22 PRELIMINARY ALLEGATIONS

23 1

24 The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of
25 the State of California, makes this Accusation in her official capacity.

26 2

27 Respondents are presently licensed and/or have license rights under the Real
28 Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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2 At all times mentioned, Respondent THE ROBERT BASSO COMPANY, INC.
3 (TRBC) was and is licensed by the State of California Bureau of Real Estate (Bureau)
4 as a restricted real estate broker corporation.

6 Beginning on or about September 9, 2015, and continuing through
7 December 30, 2015, the corporate powers, rights and privileges of TRBC were suspended by the
California Secretary of State.

10 At all times mentioned, Respondent ROBERT CLYDE BASSO (BASSO) was
11 and is licensed by the Bureau individually as a restricted real estate broker, and as the designated
12 broker officer of TRBC. As said designated broker officer, BASSO was responsible pursuant to
13 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
14 estate licensees, and employees of TRBC for which a license is required.

16 Whenever reference is made in an allegation in this Accusation to an act or
17 omission of TRBC, such allegation shall be deemed to mean that the officers, directors,
18 employees, agents and real estate licensees employed by or associated with TRBC committed
19 such acts or omissions while engaged in furtherance of the business or operation of TRBC and
20 while acting within the course and scope of their corporate authority and employment.

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

1 real property or improvements thereon, and collected rents from real property or improvements
2 thereon.

3 FIRST CAUSE OF ACTION

4 8

5 Each and every allegation in Paragraphs 1 through 7, inclusive, is incorporated by
6 this reference as if fully set forth herein.

7 9

8 On or about December 28, 2015, and continuing through December 29, 2015, an
9 audit was conducted of the records of TRBC. The auditor herein examined the records for the
10 period of January 1, 2014, through November 30, 2015.

11 10

12 While acting as a real estate broker as described in Paragraph 7, Respondents
13 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
14 connection with the leasing, renting, and collection of rents on real property or improvements
15 thereon, as alleged herein, and thereafter from time to time made disbursements of said trust
16 funds.

17 11

18 The trust funds accepted or received by Respondents, as described in
19 Paragraph 10, were deposited or caused to be deposited by Respondents into a trust account
20 which was maintained by Respondents for the handling of trust funds, and thereafter from time-
21 to-time Respondents made disbursements of said trust funds, identified as follows:

ACCOUNT # 1	
Bank Name and Location:	Delta Bank 611 N. Main Street Manteca, CA 95336
Account No.:	XXXX2848
Entitled:	The Robert Basso Co Corp

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ACCOUNT #2	
Bank Name and Location:	Delta Bank 611 N. Main Street Manteca, CA 95336
Account No.:	XXXXX7992
Entitled:	The Robert Basso Company, Inc.

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7 In the course of the activities described in Paragraph 7, Respondents:

8 (a) failed to deposit trust funds into one or more trust funds accounts in the
9 name of TRBC as trustee at a bank or other financial institution, in conformance with Section
10 10145 of the Code and Section 2832 of the Regulations;

11 (b) failed to maintain a written control record, for Account #1 and 2, of all
12 trust funds received and disbursed, containing all information required by Section 2831 of the
13 Regulations;

14 (c) failed to keep accurate separate records for each beneficiary or transaction,
15 accounting therein for all funds which were deposited into Account #2 containing all of the
16 information required by Section 2831.1 of the Regulations;

17 (d) failed to reconcile the balance of separate beneficiary or transaction
18 records with the control record of trust funds received and disbursed at least once a month,
19 and/or failed to maintain a record of such reconciliations for Account #1 as required by Section
20 2831.2 of the Regulations;

21 (e) caused, permitted, and/or allowed, the possible withdrawal of trust funds
22 from Account #1 by a person who was not licensed by the Bureau and not covered by a fidelity
23 bond in violation of Section 2834 of the Regulations; and

24 (f) failed to retain for three years bank deposit records for Account #1, in
25 violation of Section 10148 of the Code.

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2 Beginning about December 28, 2015, Respondents willfully caused, suffered and
3 permitted TRBC to engage in the business of a corporate real estate broker as described in
4 Paragraph 7, including but not limited to the collection of rent and management of approximately
5 48 properties on behalf of 40 owners, during the time TRBC's corporate status was not in good
6 standing with the office of the California Secretary of State, in violation of Section 2742(c) the
7 Regulations.

8
9 The facts alleged in the First Cause of Action are grounds for the suspension or
10 revocation of Respondents' licenses and license rights under the following sections of the Code
11 and Regulations:

12 As to Paragraph 12(a), under Section 10177(d) and/or 10177(g) of the Code in
13 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

14 As to Paragraph 12(b), under Section 10177(d) and/or 10177(g) of the Code in
15 conjunction with Section 2831 of the Regulations; and

16 As to Paragraph 12(c), under Section 10177(d) and/or 10177(g) of the Code in
17 conjunction with Section 2831.1 of the Regulations; and

18 As to Paragraph 12(d), under Section 10177(d) and/or 10177(g) of the Code in
19 conjunction with Section 2831.2 of the Regulations; and

20 As to Paragraph 12(e), under Section 10177(d) and/or 10177(g) of the Code in
21 conjunction with Section 2834 of the Regulations; and

22 As to Paragraph 12(f), under Section 10177(d) and/or 10177(g) of the Code in
23 conjunction with Section 10148 of the Code; and

24 As to Paragraph 13, under Section 10177(d) and/or 10177(g) of the Code in
25 conjunction with Section 2742(c) of the Regulations.

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SECOND CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 14, inclusive, is incorporated by this reference as if fully set forth herein.

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Respondent BASSO failed to exercise reasonable supervision over the acts of TRBC in such a manner as to allow the acts and events described above to occur.

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18

14 The facts described above as to the Second Cause of Action constitute cause for
15 the suspension or revocation of the licenses and license rights of Respondent BASSO under
16 Section 10177(g) and/or Section 10177(h) of the Code, and Section 10159.2 of the Code in
17 conjunction with Section 10177(d) of the Code.

COST RECOVERY

19

20 The acts and/or omissions of Respondents as alleged above, entitle the Bureau to
21 reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund
22 handling violation) of the Code.

20

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

PRIOR DISCIPLINARY ACTION

21

Effective May 11, 2000, in Case No. H-3487 SAC before the Bureau, the Real Estate Commissioner revoked the real estate broker licenses of Respondents, for violations of Sections 10176(e) and 10177(d) of the Code, but granted the right to restricted real estate broker licenses, on terms, conditions, and restrictions set forth in the Order.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing discipline on all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement of this case as permitted by law, for the cost of the Bureau's audit as permitted by law, and for such other and further relief as may be proper under the provisions of law.

Tricia Parkhurst
TRICIA PARKHURST

TRICIA PARKHURST
Supervising Special Investigator

Dated at Sacramento, California,
this 27th day of June, 2016

DISCOVERY DEMAND

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