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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,

Respondents.

CalBre No. H- 6409 SAC

ACCUSATION

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

19 PRELIMINARY ALLEGATIONS

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21 The Complainant, TRICIA PARKHURST, a Supervising Special Investigator 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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At all times mentioned, Respondent THE ROBERT BASSO COMPANY. INC. (TRBC) was and is licensed by the State of California Bureau of Real Estate (Bureau) as a restricted real estate broker corporation.

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

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At all times mentioned, Respondent ROBERT CLYDE BASSO (BASSO) was and is licensed by the Bureau individually as a restricted real estate broker, and as the designated broker officer of TRBC. As said designated broker officer, BASSO was 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 TRBC 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 TRBC, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with TRBC committed such acts or omissions while engaged in furtherance of the business or operation of TRBC and while acting within the course and scope of their corporate authority and employment.

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

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

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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.

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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.

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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:

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ACCOUNT # 1	
23 Bank Name and Location:	Delta Bank 611 N. Main Street Manteca, CA 95336
24 Account No.:	XXXX2848
25 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.:	XXXXXX7992
Entitled:	The Robert Basso Company, Inc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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.

The acts and/or omissions of BASSO as described in Paragraph 16, constitutes failure on the part of BASSO, as designated broker-officer for TRBC, to exercise reasonable supervision and control over the licensed activities of TRBC as required by Section 10159.2 of the Code and Section 2725 of the Regulations.

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

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

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 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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3 PRIOR DISCIPLINARY ACTION

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

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

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16 TRICIA PARKHURST
17 Supervising Special Investigator

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

20 DISCOVERY DEMAND

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