

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95815-7007

4 Telephone: (916) 263-8672

FILED

NOV 22 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

11 In the Matter of the Accusation of

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

14 Respondents.)

No. H-6409 SAC

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between THE ROBERT BASSO COMPANY,
16 INC. (TRBC), and ROBERT CLYDE BASSO (BASSO) (collectively "Respondents"),
17 represented by Frank M. Buda, and the Complainant, acting by and through Truly Sughrue,
18 Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and
19 disposing the First Amended Accusation filed on February 15, 2017, in this matter:

20 1. All issues which were to be contested and all evidence which was to be
21 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this
24 Stipulation and Agreement (Stipulation).

25 2. Respondents have received, read, and understands the allegations in the
26 Accusation, Statement to Respondent, and the Discovery Provisions of the APA filed by the
27 Bureau in this proceeding.

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of disputing the allegations in the Accusation and requesting a
3 hearing. Respondents hereby freely and voluntarily withdraw said Notice of Defense.
4 Respondents acknowledge that Respondents understand that by withdrawing said Notice of
5 Defense Respondents will thereby waive Respondents' rights to require the Real Estate
6 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
7 held in accordance with the provisions of the APA, and that Respondents will waive other rights
8 afforded to Respondents in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondents choose not to contest these
12 factual allegations, but to remain silent, and understand that, as a result thereof, these factual
13 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

16 5. This Stipulation and Respondents' decision not to contest the Accusation
17 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
19 federal government, an agency of this state, or an agency of another state is involved.

20 6. Respondents understand that by agreeing to this Stipulation and
21 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and
22 Professions Code (Code), the cost of the audit, which resulted in the determination that
23 Respondents committed the violation(s) found in the Determination of Issues. The amount of
24 said costs is \$5,257.75.

25 7. Respondents understand that by agreeing to this Stipulation and
26 Agreement, Respondents agree to pay, pursuant to Section 10106 of the Code, the reasonable
27 costs of the investigation and enforcement of these cases. The amount of said costs is

1 \$3,723.50.

2 8. It is understood by the parties that the Commissioner may adopt the
3 Stipulation at his decision in this matter thereby imposing the penalty and sanctions on the real
4 estate licenses and license rights of Respondents as set forth in the below "Order". In the event
5 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no
6 effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation
7 under all the provisions of the APA and shall not be bound by any admission or waiver made
8 herein.

9 9. The Order or any subsequent Order of the Commissioner made pursuant to
10 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
11 civil proceedings by the Bureau with respect to any matters which were not specifically alleged in
12 Accusation H-6409 SAC.

13 DECLARATION OF THE ROBERT BASSO COMPANY, INC.

14 In lieu of proceeding in this matter in accordance with the provisions of the APA,
15 TRBC wishes to voluntarily surrender its corporate real estate broker license issued by the
16 Bureau, pursuant to Code Section 10100.2. BASSO is the Designated Officer of TRBC, and is
17 authorized to sign this declaration on behalf of TRBC.

18 BASSO, on behalf of TRBC, understands that by voluntarily surrendering TRBC
19 license(s), TRBC' may be re-licensed as a corporate broker only by petitioning for reinstatement
20 pursuant to section 11522 of the Government Code. BASSO, on behalf of TRBC, also
21 understands that by voluntarily surrendering TRBC' license(s), BASSO agrees to the following:

22 1. The filing of this Declaration shall be deemed as TRBC's petition for
23 voluntary surrender.

24 2. It shall also be deemed to be an understanding and agreement by BASSO
25 that TRBC waives all rights TRBC has to require the Commissioner to prove the allegations
26 contained in the Accusation filed in this matter at a hearing held in accordance with the
27 provisions of the APA, and that TRBC also waives other rights afforded to TRBC in connection

1 with the hearing such as the right to discovery, the right to present evidence in defense of the
2 allegations in the Accusation and the right to cross-examine witnesses.

3 3. BASSO, on behalf of TRBC, further agrees that upon acceptance by the
4 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
5 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations
6 contained in the Accusation filed in the Bureau Case No. H-6409 SAC may be considered by the
7 Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or
8 reinstatement pursuant to Government Code section 11522.

9 4. BASSO, on behalf of TRBC, freely and voluntarily surrenders all of
10 TRBC's licenses and license rights under the Real Estate Law.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations and waivers and solely for the purpose of
13 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the acts
14 and omissions of BASSO as described in the Accusation are grounds for the suspension or
15 revocation of BASSO's licenses and license rights under Sections 10177(d) and 10177(h) of the
16 Code.

17 * * *

18 ORDER

19 I

20 All licenses and licensing rights of BASSO under the Real Estate Law are
21 revoked; provided, however, a restricted real estate salesperson license shall be issued to BASSO
22 pursuant to Section 10156.5 of the Code if BASSO makes application therefor and pays to the
23 Bureau the appropriate fee for the restricted license within 90 days from the effective date of this
24 Decision and Order. The restricted license issued to BASSO shall be subject to all of the
25 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
26 restrictions imposed under authority of Section 10156.6 of that Code:

1 1. The restricted license issued to BASSO may be suspended prior to hearing
2 by Order of the Commissioner in the event of BASSO' conviction or plea of nolo contendere to a
3 crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

4 2. The restricted license issued to BASSO' may be suspended prior to
5 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
6 that BASSO has violated provisions of the California Real Estate Law, the Subdivided Lands
7 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
8 license.

9 3. BASSO shall not be eligible to petition for the issuance of any unrestricted
10 real estate license nor for removal of any of the conditions, limitations or restrictions of a
11 restricted license until four (4) years have elapsed from the effective date of this Decision and
12 Order. BASSO shall not be eligible to apply for any unrestricted licenses until all restrictions
13 attaching to the license have been removed.

14 4. BASSO shall submit with any application for license under an employing
15 broker, or any application for transfer to a new employing broker, a statement signed by the
16 prospective employing real estate broker on a form approved by the Bureau which shall certify:

17 (a) That the employing broker has read the Decision and Order of the
18 Commissioner which granted the right to a restricted license; and

19 (b) That the employing broker will exercise close supervision over the
20 performance by the restricted licensee relating to activities for which a real
21 estate license is required.

22 5. BASSO shall, within nine (9) months from the effective date of this
23 Decision and Order, present evidence satisfactory to the Commissioner that BASSO has, since
24 the most recent issuance of an original or renewal real estate license, taken and successfully
25 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
26 Law for renewal of a real estate license. If BASSO fails to satisfy this condition, Respondent's
27 real estate license shall automatically be suspended until BASSO presents evidence satisfactory

1 to the Commissioner of having taken and successfully completed the continuing education
2 requirements. Proof of completion of the continuing education courses must be delivered to the
3 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

4 6. BASSO shall, within six (6) months from the effective date of this
5 Decision and Order, take and pass the Professional Responsibility Examination administered by
6 the Bureau including the payment of the appropriate examination fee. If BASSO fails to satisfy
7 this condition, BASSO's real estate license shall automatically be suspended until BASSO passes
8 the examination.

9 7. All licenses and licensing rights of BASSO are indefinitely suspended
10 unless or until BASSO provides proof satisfactory to the Commissioner, of having taken and
11 successfully completed the continuing education course on trust fund accounting and handling
12 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
13 satisfaction of these requirements includes evidence that BASSO has successfully completed the
14 trust fund account and handling continuing education courses, no earlier than 120 days prior to
15 the effective date of the Decision and Order in this matter. Proof of completion of the trust fund
16 accounting and handling course must be delivered to the Bureau of Real Estate, Flag Section at
17 P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective
18 date of this Decision and Order.

19 II

20 1. Respondents shall, jointly and severally, pay the sum of \$5,257.75 for the
21 Commissioner's cost of the audit which led to this disciplinary action. Respondents shall pay
22 such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
23 Payment of audit costs should not be made until Respondents receives the invoice. If BASSO
24 fails to satisfy this condition in a timely manner as provided for herein, BASSO's real estate
25 licenses shall automatically be suspended until payment is made in full, or until a decision
26 providing otherwise is adopted following a hearing held pursuant to this condition. Any petition
27

1 for reinstatement made pursuant to Government Code Section 11522 shall be denied if TRBC
2 fails to satisfy this condition.

3 2. All licenses and licensing rights of BASSO are indefinitely suspended
4 unless or until BASSO pays the sum of \$3,723.50 for the Commissioner's reasonable cost of the
5 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
6 form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
7 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
8 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.
9 Any petition for reinstatement made pursuant to Government Code Section 11522 shall be
10 denied if TRBC fails to satisfy this condition.

11 III

12 TRBC's petition for voluntary surrender of its corporate real estate broker license
13 is accepted as of the effective date of this Order as set forth below, based upon the understanding
14 and agreement expressed in TRBC's Declaration incorporated herein as part of this Stipulation.
15 TRBC's license certificates, pocket cards and any branch office license certificates shall be sent
16 to the below listed address so that they reach the Bureau on or before the effective date of this
17 Order:

18 BUREAU OF REAL ESTATE
19 Attn: Licensing Flag Section
20 P. O. Box 137013
21 Sacramento, CA 95815-7013

22
23 31-Oct-17
24 DATED

25 
26 TRULY SUGHRUE
27 Counsel for Complainant

1 I have read the Stipulation and Agreement, discussed it with my counsel, and its
2 terms are understood by me and are agreeable and acceptable to me. I understand that I am
3 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
4 intelligently and voluntarily waive those rights, including the right of requiring the
5 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
6 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
7 the charges.

8 Respondents and Respondents' attorney further agree to send the original signed
9 Stipulation and Agreement by mail to the following address no later than one (1) week from the
10 date the Stipulation and Agreement is signed by Respondents and Respondents' attorney:
11 *Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.*
12 Respondents and Respondents' attorney understand and agree that if they fail to return the
13 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
14 this matter for hearing.

15
16 *10/27/17*

17 DATED

Robert Clyde Basso
Robert Clyde Basso, Chief Executive Officer
THE ROBERT BASSO COMPANY, INC.
Respondent

18
19
20 *10/27/17*

21 DATED

Robert Clyde Basso
ROBERT CLYDE BASSO
Respondent

22 ***

23 I have reviewed the Stipulation and Agreement as to form and content and have
24 advised my clients accordingly.

25 *10-30-17*

26 DATED

Frank M. Buda
FRANK M. BUDA
Attorney for Respondents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement is hereby adopted as my Decision and
Order and shall become effective at 12 o'clock noon on DEC 13 2017

IT IS SO ORDERED 11/17/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner

Flag
FILED

OCT 17 2016

BUREAU OF REAL ESTATE

By A. Luo

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
THE ROBERT BASSO COMPANY, INC.,) CalBRE No. H-6409 SAC
and ROBERT CLYDE BASSO,)
Respondents.)

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On September 14, 2016, a Decision was rendered revoking the real estate broker license of Respondents, THE ROBERT BASSO COMPANY, INC., and ROBERT CLYDE BASSO, effective October 10, 2016.

On September 22, 2016, good cause was presented to vacate the Decision of September 14, 2016, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

///

///

///

///

///

1 NOW, THEREFORE, IT IS ORDERED that the Decision of September 14, 2016,
2 is vacated and that the Matter of the Accusation filed on July 6, 2016, is remanded to the Office of
3 Administrative Hearings.

4 This Order shall be effective immediately.

5 DATED: 10/17/16.

6 WAYNE S. BELL
7 REAL ESTATE COMMISSIONER

8 
9

10 By: DANIEL SANDRI
11 Assistant Commissioner
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

BEFORE THE BUREAU OF REAL ESTATE

SEP 19 2016

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

By B. Nicholas

In the Matter of the Accusation of

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

Respondents.

No. H-6409 SAC

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 26, 2016, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents THE ROBERT BASSO COMPANY, INC., and ROBERT CLYDE BASSO's (Respondents) express admissions; (2) affidavits; and (3) other evidence.

Pursuant to Government Code Section 11521, the Bureau of Real Estate (Bureau) may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 of the Government Code and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1

On December 21, 2015, Tricia Parkhurst made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondents' last known mailing address on file with the Bureau on July 7, 2016.

On August 26, 2016, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2

At all times mentioned, Respondent THE ROBERT BASSO COMPANY, INC. (TRBC) was and is licensed by the Bureau as a restricted real estate broker corporation.

3

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.

4

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.

5

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

6

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

7

While acting as a real estate broker as described in Paragraph 5, Respondents accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in connection with the leasing, renting, and collection of rents on real property or improvements thereon, as alleged herein, and thereafter from time to time made disbursements of said trust funds.

The trust funds accepted or received by Respondents, as described in Paragraph 7, were deposited or caused to be deposited by Respondents into a trust account which was maintained by Respondents for the handling of trust funds, and thereafter from time-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

ACCOUNT #2	
Bank Name and Location:	Delta Bank 611 N. Main Street Manteca, CA 95336
Account No.:	XXXXXX7992
Entitled:	The Robert Basso Company, Inc.

In the course of the activities described in Paragraph 5, 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 Title 10, California Code of Regulations (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.

10

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) of the Regulations.

11

The acts and/or omissions of BASSO as described above, 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.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondents exists pursuant to Sections 10145 and 10148 of the Code and Sections 2832, 2831, 2831.1, 2831.2, 2834, and 2742(c) of the Regulations, and are grounds for the revocation or suspension of all Respondents' licenses and/or license rights under Section 10177(d) of the Code.

2

Cause for disciplinary action against Respondent BASSO exists pursuant to Section 10177(h) of the Code.

3

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on OCT 10 2016

DATED: 9/14/2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to read 'Wayne S. Bell', is written over a horizontal line.

1 Bureau of Real Estate
2 PO Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670
5
6
7

FILED

AUG 26 2016

BUREAU OF REAL ESTATE

By L. F. [Signature]

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-6409 SAC

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

DEFAULT ORDER

14 Respondents.

15 Respondents, THE ROBERT BASSO COMPANY, INC. and ROBERT
16 CLYDE BASSO, having failed to file a Notice of Defense within the time required by Section
17 11506 of the Government Code, are now in default. It is, therefore, ordered that a default be
entered on the record in this matter.

18 IT IS SO ORDERED

August 26, 2016

19 Real Estate Commissioner

20 By:

Joe M. Carrillo

21 JOE M. CARRILLO

22 Regional Manager
23
24
25
26
27