

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Bureau of Real Estate
4 P.O. Box 137007
5 Sacramento, CA 95813-7007

6 Telephone: (916) 263-8672
7 (916) 263-8676 (Direct)

8 Fax: (916) 263-3767

FILED

AUG 29 2016

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

RE SOLUTIONS, INC., and
DANA ELAINE FOSS,

Respondents.

CalBre No. H- 6429 SAC

ACCUSATION

The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of
the State of California, for cause of Accusation against RE SOLUTIONS, INC., and DANA
ELAINE FOSS (collectively "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

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

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

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2 At all times mentioned through May 9, 2015, Respondent RE SOLUTIONS, INC.
3 (RESI) was and is licensed by the State of California Bureau of Real Estate (Bureau) as a real
4 estate broker corporation.

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6 At all times mentioned, Respondent DANA ELAINE FOSS (FOSS) was and is
7 licensed by the Bureau individually as a real estate broker, and as the designated broker officer
8 of RESI. As said designated broker officer, FOSS was responsible pursuant to Section 10159.2
9 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and
10 employees of RESI for which a license is required.

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

17 6

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

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1 FIRST CAUSE OF ACTION

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

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6 On or about March 14, 2016, and continuing intermittently through May 27, 2016,
7 an audit was conducted of the records of RESI. The auditor herein examined the records for the
8 period of December 1, 2014, through November 30, 2015.

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10 While acting as a real estate broker as described in Paragraph 6, Respondents
11 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
12 connection with the leasing, renting, and collection of rents on real property or improvements
13 thereon, as alleged herein, and thereafter from time to time made disbursements of said trust
14 funds.

15 10

16 The trust funds accepted or received by Respondents as described in Paragraph 9
17 were deposited or caused to be deposited by Respondents into trust accounts which were
18 maintained by Respondents for the handling of trust funds, and thereafter from time-to-time
19 Respondents made disbursements of said trust funds, identified as follows:

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ACCOUNT # 1	
21 Bank Name and Location:	First Northern Bank 195 N. 1 st Street Dixon, CA 95620
22 Account No.:	XXX7693
23 Entitled:	RE Solutions, Inc. Trust Account

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In the course of the activities described in Paragraph 6, Respondents:

(a) caused, suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as of November 30, 2015, was approximately \$13,051.28 less than the aggregate liability of Account #1 to all owners of such funds in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) converted approximately \$10,087.55 of trust funds to Respondents own use and benefit or to purposes not authorized by the rightful owners of said funds;

(c) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into Account #1 containing all of the information required by Section 2831.1 of the Regulations; and

(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 each account as required by Section 2831.2 of 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 11(a), under Section 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 11(b), under Section 10176(i);

As to Paragraph 11(c), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2831.1 of the Regulations;

As to Paragraph 11(d), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2831.2 of the Regulations.

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

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9 TRICIA PARKHURST
Supervising Special Investigator

10 Dated at Sacramento, California,
11 this 15th day of August, 2016

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13 DISCOVERY DEMAND

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