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FILED

APR 13 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

AAA ADVANTAGE REALTY, INC.,
and SANDRA STEVENSON,

Respondents.

NO. H- 6474 SAC

FIRST AMENDED
ACCUSATION

The Complainant, TOM CAMERON, acting in his official capacity as a
Supervising Auditor of the State of California, for cause of First Amended Accusation against
Respondents AAA ADVANTAGE REALTY, INC. ("ADVANTAGE") and SANDRA
STEVENSON ("STEVENSON"), (collectively referred to as "Respondents"), is informed and
alleges as follows:

1.

ADVANTAGE is presently licensed by the Bureau of Real Estate ("the Bureau")
and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and
Professions Code ("the Code") as a corporate real estate broker, and at all times relevant herein
was acting by and through STEVENSON as its designated broker officer.

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2.

STEVENSON is presently licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Code ("the Real Estate Law") as an individual real estate broker and, at all relevant times herein, was the designated broker officer of ADVANTAGE.

3.

Jessica Ann Burns was licensed under the Real Estate Law as a real estate salesperson from October 1999 until October 2007. At no time after October 2007 was Jessica Ann Burns licensed by the Bureau in any capacity.

4.

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

5.

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

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1 **COUNT ONE**

2 **AUDIT VIOLATIONS**

3 (As to Respondents ADVANTAGE and STEVENSON)

4 6.

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

7 7.

8 Beginning on March 8, 2016, and continuing intermittently through March 9,
9 2016, the Bureau conducted an audit of the books and records related to the real estate activities
10 of Respondents at ADVANTAGE's main office located at 1023 N. Court Street, Alturas, CA
11 96101, where the auditor examined records for the period of January 1, 2014, to January 31,
12 2016 ("audit period").

13 8.

14 While doing business within the audit period, Respondents accepted or received
15 funds in trust (trust funds) from or on behalf of lenders, investors, borrowers and others in
16 connection with property management activities and deposited or caused to be deposited those
17 funds into the following bank account maintained by Respondents:

18

BANK ACCOUNT #1	
Bank Name and Location:	Plumas Bank, 35 S. Lindan Ave., Quincy, CA 96130
Account No.:	XXXXXX9784
Entitled:	AAA Advantage Realty Inc. DBA United Country & PM
Signatories:	Sandra Stevenson (REB)
No. of Signatures Required:	One

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25 From time-to-time, Respondents made collections to and disbursements from said trust funds.

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9.

In the course of the activities described above in Paragraph 5, in connection with the collection and disbursement of trust funds, Respondents:

(a) caused, suffered, or permitted the balance of funds in Bank Account #1 to be reduced to an amount which, as of January 31, 2016, was \$15,000.00 less than the aggregate liability of Bank Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations ("the Regulations").

(b) caused the shortage in Bank Account #1, identified above in subparagraph (a), by withdrawing \$15,000.00 of trust funds from Bank Account #1 for personal and/or business expenses. Such acts or omissions constitute fraud or dishonesty perpetrated against the beneficiaries of the trust funds held in Bank Account #1, in violation of Section 10176(i) of the Code;

(c) failed to reconcile at least once per month, the balance of all separate beneficiary or transaction records to the balance of the control records for Bank Account #1, in violation of Section 10145 of the Code and Section 2831.2 of the Regulations; and

(d) failed to properly designate Bank Account #1 as a trust account in the name of Respondents and/or a fictitious business name associated with Respondents, as trustee, in violation of Section 10145 of the Code and Section 2832 of the Regulations.

10.

The acts and/or omissions of Respondents, as alleged in Paragraph 9, 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 9(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;

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1 As to Paragraph 9(b), under Section 10176(i) of the Code and Section 10177(d)
2 and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2832.1
3 of the Regulations;

4 As to Paragraph 9(c), under Section 10177(d) and/or 10177(g) of the Code, in
5 conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations;

6 As to Paragraph 9(d), under Section 10177(d) and/or 10177(g) of the Code, in
7 conjunction with Section 10145 of the Code and Section 2832 of the Regulations.

8 11.

9 The acts and/or omissions of Respondents, as alleged above in Paragraph 10,
10 entitle the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) of the
11 Code.

12 **COUNT TWO**

13 **UNAUTHORIZED WITHDRAWALS FROM TRUST ACCOUNT**

14 (As to Respondents ADVANTAGE and STEVENSON)

15 12.

16 Each and every allegation contained above in Paragraphs 1 through 11, inclusive,
17 is incorporated by this reference as if fully set forth herein.

18 13.

19 At all relevant times, Respondents gave Jessica Ann Burns, who was at all
20 relevant times unlicensed and did not have fidelity bond coverage, access to the trust fund held
21 in Bank Account #1.

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14.

On the dates and in the amounts set forth in the table below, Jessica Ann Burns made the following withdrawals of trust funds held in Bank Account #1:

DATE	AMOUNT
November 10, 2014	\$10,000.00
December 30, 2014	\$10,000.00
February 4, 2015	\$10,000.00

15.

At no relevant time did STEVENSON obtain written authorization permitting Jessica Ann Burns to withdraw trust funds from Bank Account #1.

16.

The acts and/or omissions of Respondents, as alleged in Paragraphs 12-15, above, constitute grounds for the suspension or revocation of all licenses and license rights of Respondents pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2834 of the Regulations.

COUNT THREE

FAILURE TO SUPERVISE

(As to Respondent STEVENSON)

17.

Each and every allegation in Paragraphs 1 through 16, inclusive, above, is incorporated by this reference as if fully set forth herein.

18.

STEVENSON, as the designated officer of ADVANTAGE, was required to exercise reasonable supervision and control over the activities of ADVANTAGE and its employees and the real estate activities being conducted by ADVANTAGE.

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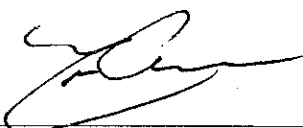
STEVENSON failed to exercise reasonable supervision over the acts and/or omissions of ADVANTAGE and its employees in such a manner as to allow the acts and/or omissions as described in Paragraphs 7 through 16, above, to occur, which constitutes cause for the suspension or revocation of the licenses and license rights of STEVENSON under Sections 10177(d) and/or 10177(g), 10177(h) and 10159.2 of the Code in conjunction with Section 2725 of the Regulations.

20.

COST RECOVERY

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.

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


TOM CAMERON
Supervising Auditor

Dated at Sacramento, California,
this 13th day of April, 2017.

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.