

FILED

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BUREAU OF REAL ESTATE

By *m. Roberts*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of

12 GERALD K. LAMBERT,

13

14 Respondent.

No. H-6476 SAC

ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator

16 of the State of California, for Accusation against Respondent GERALD K. LAMBERT

17 (LAMBERT), is informed and alleges as follows:

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19 The Complainant makes this Accusation against LAMBERT in her official

20 capacity.

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22 LAMBERT is presently licensed and/or has license rights under the Real Estate

23 Law, Part 1 of Division 4 of the California Business and Professions Code (Code) by the Bureau

24 of Real Estate (Bureau) as a real estate broker.

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26 At all times herein mentioned, LAMBERT engaged in the business of, acted in

27 the capacity of, advertised, or assumed to act as a real estate broker within the State of

1 California within the meaning of Section 10131(b) of the Code, including the operation and  
2 conduct of a property management business with the public wherein, on behalf of others, for  
3 compensation or in expectation of compensation, LAMBERT leased or rented or offered to  
4 lease or rent, or placed for rent, or solicited listings of places for rent or solicited for prospective  
5 tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business  
6 opportunity, or collected rents from tenants.

7 FIRST CAUSE OF ACTION

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9 Complainant refers to Paragraphs 1 through 3, above, and incorporates the same  
10 herein, by reference.

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12 Beginning on May 6, 2016, and continuing intermittently through June 13, 2016,  
13 an audit was conducted at LAMBERT's office located at 495 Beaver Street, Kings Beach,  
14 California 96143, and at the Bureau's district office located at 1651 Exposition Blvd.,  
15 Sacramento, California, where the auditor examined records for the period of April 1, 2015,  
16 through March 31, 2016 (the audit period).

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18 While acting as a real estate broker as described in Paragraph 3, above, and  
19 within the audit period, LAMBERT accepted or received funds in trust (trust funds) from or on  
20 behalf of property owners, lessees and others in connection with property management activities  
21 and deposited or caused to be deposited those funds into bank accounts maintained by  
22 LAMBERT, at Bank of the West, Kings Beach, CA, as described below:

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BANK ACCOUNT #1	
24 Account No.:	XXXXXX2349
25 Entitled:	Lakeside Realty

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27 and thereafter from time-to-time made disbursement of said trust funds.

In the course of the activities described in Paragraph 3, in connection with the collection and disbursement of trust funds, it was determined that:

(a) LAMBERT failed to designate Bank Account #1 as a trust account as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations);

(b) LAMBERT allowed an unlicensed, unbonded person to be a signatory to a trust account in violation of Section 2834 of the Regulations;

(c) During an accountability performed on Bank Account #1, and as of March 31, 2016, a shortage of \$3,438.22 was revealed, in violation of Section 10145 of the Code;

(d) LAMBERT failed to obtain written permission from owners of trust funds in Bank Account #1 to allow the balance to drop below accountability, in violation of Section 2832.1 of the Regulations and

(e) LAMBERT failed to license a branch office, as required by Section 2715 of the Regulations and Section 10163 of the Code.

The acts and/or omissions described above constitute violations of Sections 2715 (branch office), 2832 (trust fund designation), 2832.1 (written permission balance below accountability) and 2834 (trust fund signatories) of the Regulations and of Sections 10145 (trust fund handling), 10163(branch office), 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

SECOND CAUSE OF ACTION

Complainant refers to Paragraphs 1 through 8, above, and incorporates the same, herein, by reference.

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At no time mentioned herein, was Jim Belote licensed by the Bureau as a real estate salesperson or real estate broker.

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At all times mentioned herein, Belote, on behalf of LAMBERT, represented to the public that he was a property manager on leases and on business cards.

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At all times mentioned herein, Belote performed property management activities on behalf of LAMBERT. Such activities included, but were not limited to negotiating and entering property management agreements, soliciting and placing tenants for owners, preparing, signing and sending statements of account to owners.

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On or about March 16, 2016, Belote, on behalf of LAMBERT, entered into a property management agreement with the owners of certain real property commonly known as 490 Beaver Street, Kings Beach, California. In regards to that property, Belote, on behalf of LAMBERT, performed those activities described in Paragraph 11, above.

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The acts and/or omissions described above constitute violations of Section 10137 (compensating unlicensed person for licensed activity) of the Code, and are grounds for discipline under Sections 10137, 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

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PRIOR DISCIPLINE

Effective March 7, 1989, in DRE Case No. H-2312 SAC, the Commissioner revoked the real estate license of LAMBERT, with the right to a restricted real estate broker license.