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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-6899 SAC
THOMAS GLEN ROGERS,)	
)	<u>ACCUSATION</u>
Respondent.)	
)	

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a Supervising Special Investigator of the State of California, for cause of Accusation against THOMAS GLEN ROGERS (Respondent), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (Code) by the Department of Real Estate (the Department) as a real estate broker.

2

At all times herein mentioned, Respondent conducted real estate activity under his individual broker license and the fictitious business name, "Feather River Properties". However, Respondent was not licensed by the Department to use any fictitious business names.

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At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California 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 or in expectation of compensation, Respondent leased or rented or offered to lease or rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rent from tenants.

Beginning on June 18, 2019, through June 20, 2019, an audit was conducted of the records of Respondent. The auditor examined the records for the period of January 1, 2018, through June 20, 2019 (the audit period).

Respondent, while acting as a real estate broker, as described in Paragraph 3, accepted or received funds in trust (trust funds) from or on behalf of owners, lessees and others in connection with property management activities, and deposited those funds into bank accounts maintained by Respondent, at Plumas Bank, 35 S Lindan Avenue, Quincy, California 95971, including but not limited to the following:

TRUST ACCOUNT #1	
Account No.:	XXXXXX0000
Entitled:	THOMAS ROGERS DBA FEATHER RIVER PROPERTIES TRUST ACCOUNT

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:

- 1 (a) An accountability was performed on Trust Account #1, and as of April 30,
2 2019, there was a shortage of \$900.00 revealed, in violation of Section 10145
3 of the Code;
- 4 (b) Respondent failed to obtain written permission from owners of trust funds in
5 Trust Account #1, to allow the balances to drop below accountability, in
6 violation of Section 2832.1 of Chapter 6, Title 10, California Code of
7 Regulations (Regulations);
- 8 (c) As of April 30, 2019, Trust Account #1 contained unidentified and/or
9 unaccounted for funds in the amount of \$611.16 for which no separate record
10 was maintained, in violation of Section 10145 (g) of the Code and Section
11 2831.1 of the Regulations;
- 12 (d) Respondent failed to record receipt of security deposits in the separate record,
13 in violation of Section 2831.1 of the Regulations;
- 14 (e) Respondent failed to reconcile at least once a month, the balance of all
15 separate beneficiary or transaction records for Trust Account #1, in violation
16 of Section 2831.2 of the Regulations;
- 17 (f) Respondent conducted real estate activity using the fictitious business name,
18 "Feather River Properties", prior to registering the fictitious business name
19 with the Department as required by Section 10159.5 of the Code and Section
20 2731 of the Regulations; and
- 21 (g) Respondent allowed an unlicensed person to be a signatory on Trust Account
22 #1 without a fidelity bond, in violation of Section 10145 of the Code and
23 Section 2834 of the Regulations.

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25 The acts and/or omissions described above constitute violations of Sections 2731
26 (Use of False/Fictitious Name), 2831.1 (Separate Records), 2831.2 (Trust Account
27 Reconciliation), 2832.1 (Written Permission for Balance Below Accountability), and 2834 (Trust

1 Fund Signatories) of the Regulations, and Sections 10145 (Trust Fund Handling) and 10159.5
2 (Fictitious Name) of the Code, and are grounds for discipline under Sections 10177(d) (Willful
3 Disregard of Real Estate Laws) and/or 10177(g) (Negligence/Incompetence Licensee) of the
4 Code.

5 COST RECOVERY

6 8

7 Audit Costs

8 The acts and/or omissions of Respondent, as alleged above, entitle the
9 Department to reimbursement of the costs of its audits pursuant to Section 10148(b) (Audit Costs
10 for Trust Fund Handling Violations) of the Code.

11 9

12 Costs of Investigation and Enforcement

13 Section 10106 of the Code provides, in pertinent part, that in any order issued in
14 resolution of a disciplinary proceeding before the Department, the Commissioner may request the
15 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
16 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

17 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
18 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
19 action against all licenses and license rights of Respondents under the Code, for the cost of
20 investigation and enforcement as permitted by law, and for such other and further relief as may
21 be proper under the provisions of law.

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23 TRICIA D. PARKHURST
24 Supervising Special Investigator

25 Dated at Sacramento, California,
26 this 7th day of January, 2019
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