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FILED
MAR 18 2024
DEPARTMENT OF REAL ESTATE
By J. Taggart

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 SOLANO PROPERTIES, INC. and) No. H- 7321 SAC
14 AMY LYNN NUCCIO,) ACCUSATION
15 Respondents.)

16 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator
17 of the State of California, for Accusation against SOLANO PROPERTIES, INC. (SP) and
18 AMY LYNN NUCCIO (NUCCIO), collectively RESPONDENTS, is informed and alleges as
19 follows:

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21 The Complainant makes this Accusation against RESPONDENTS in her official
22 capacity.

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24 SP is presently licensed and/or has license rights by the Department of Real
25 Estate (Department), under the California Business and Professions Code (Code) as a corporate
26 real estate broker.

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NUCCIO is presently licensed by the Department as a real estate broker.

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At all times mentioned, NUCCIO was the designated broker-officer of SP. As the designated broker-officer, NUCCIO was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of officers, agents, real estate licensees and employees of SP for which a real estate license is required to ensure the compliance of the corporation with the Real Estate law and the Regulations.

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At all times herein mentioned, RESPONDENTS engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers 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, RESPONDENTS leased or rented or offered to lease or rent, or placed for 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 rents from tenants.

FIRST CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 5, above, and incorporates the same, herein, by reference.

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On or about February 15, 2023, an audit was conducted at Complainant's office located on 1651 Exposition Blvd., Sacramento, California, where the auditor examined records for the period of January 1, 2021, through December 31, 2022 (the audit period).

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While acting as a real estate broker as described in Paragraph 5, above, and within the audit period, RESPONDENTS accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by RESPONDENTS at Seacoast Commerce Bank, 119939 Rancho Bernardo Road, St. 200, San Diego, California 92128 as described below:

BANK ACCOUNT #1	
Account No.:	XXXX6801
Entitled:	Solano Properties, Inc. DBA Real Property Management Select, as Trustee, Client Trust Account.

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

In the course of the activities described in Paragraph 4, in connection with the collection and disbursement of trust funds, it was determined that:

During the audit period RESPONDENTS charged landlords a processing fee of \$4.00 for various costs which ranged from \$2.78 to \$3.23 for RESPONDENTS. During the audit period, profit from the processing fees totaled \$40,384.00.

The acts and/or omissions described above constitute violations of Section 10176 (g) (failure to disclose profit) and are grounds for discipline under Sections 10176(g), 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

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1 SECOND CAUSE OF ACTION

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

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6 At all times herein above mentioned, NUCCIO was responsible, as the
7 supervising designated broker/officer for SP, for the supervision and control of the activities
8 conducted on behalf of SP's business by its employees to ensure its compliance with the Real
9 Estate Law and Regulations. NUCCIO failed to exercise reasonable supervision and control
10 over the property management activities of SP. In particular, NUCCIO permitted, ratified and/or
11 caused the conduct described above to occur, and failed to take reasonable steps, including but
12 not limited to, the handling of trust funds, supervision of employees, and the implementation of
13 policies, rules, and systems to ensure the compliance of the business with the Real Estate Law
14 and the Regulations.

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16 The above acts and/or omissions of NUCCIO violate Section 2725 (broker
17 supervision) of the Regulations and Section 10159.2 (responsibility/designated officer) of the
18 Code and constitute grounds for disciplinary action under the provisions of Sections 10177(d),
19 10177(g) and 10177(h) (broker supervision) of the Code.

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21 Audit Costs

22 The acts and/or omissions of RESPONDENTS as alleged above, entitle the
23 Department to reimbursement of the costs of its audits pursuant to Section 10148(b) (audit costs
24 for trust fund handling violations) of the Code.

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Costs of Investigation and Enforcement

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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 imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



TRICIA D. PARKHURST

Supervising Special Investigator

Dated at Sacramento, California,
this 15th day of March, 2024.

DISCOVERY DEMAND

The Bureau of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Bureau may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.