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DEPARTMENT OF REAL ESTATE
By R. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13) No. H-11450 SF
14 PAMELA DOLORES TAEUFFER,)
15) ACCUSATION
Respondent.)

16 The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy Real
17 Estate Commissioner of the State of California, for cause of Accusation against PAMELA
18 DOLORES TAEUFFER ("Respondent"), individually and doing business as "Healdsburg
19 Property Management", is informed and alleges as follows:

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21 At all times relevant, Respondent was and is licensed and/or has license rights
22 under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("the
23 Code"), as a real estate broker.

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25 At all times relevant, Belinda Ann Uribe ("Uribe") was licensed and/or had
26 license rights as a real estate salesperson.

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At no time has Healdsburg Property Management Inc. been licensed to conduct activity as a real estate broker in the State of California.

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At all times relevant herein, 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 (broker defined – property management), 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 and offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

FIRST CAUSE OF ACTION

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On or about August 9, 2011, and continuing intermittently through December 28, 2011, an audit was conducted of Respondent at her main office located at 513 Center Street, Healdsburg, California, and the Department's Oakland District Office, where the auditor examined the records for the period of January 1, 2010, through August 31, 2011 (the audit period).

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While acting as a real estate broker as described in Paragraph 4, above, and within the audit period, Respondent accepted or received funds in trust (trust funds) in the course of the real estate activities described in Paragraph 4, above, and deposited or caused the funds to be deposited into bank accounts maintained by Respondent, including:

Bank Account #1

Exchange Bank
P.O. Box 3788
Santa Rosa, CA 95448-3828

Account No.: XXXXX0236

Account Name: Healdsburg Property Management Inc.
Client Trust Fund

Signatories: Pamela D. Taeuffer

Bank Account #2

Exchange Bank
P.O. Box 3788
Santa Rosa, CA 95448-3828

Account No.: XXXXX9161

Account Name: Healdsburg Property Management Inc.
Security Deposit Trust Account

Signatories: Pamela D. Taeuffer

Thereafter, from time-to-time, Respondent made disbursements of said trust funds.

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In the course of the activities described in Paragraph 4, above, in connection with the collection and disbursement of trust funds:

- (a) On or about August 31, 2011, there was a \$3,305.73 shortage for Bank Account #1. Respondent did not provide evidence that the owners of the trust funds had given their written consent allowing her to reduce the balance of the funds in Bank Account #1 to an amount less than the existing aggregate trust fund liabilities. Such acts and/or omissions by Respondent violate Section 10145 (handling of trust funds) of the Code and Section 2832.1 (trust fund handling for multiple beneficiaries) of Title 10 of the California Code of Regulations ("the Regulations").

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1 (b) On or about August 31, 2011, there were unidentified and/or unaccounted for
2 funds of \$19,208.93 in Bank Account #1. Such acts and/or omissions by
3 Respondent violate Section 10145 of the Code and Section 2832.1 of the
4 Regulations.

5 (c) Respondent deposited trust funds she collected into Bank Accounts #1 and #2,
6 neither of which was set up in the name of Respondent as trustee. Such acts
7 and/or omissions by Respondent violate Section 10145 of the Code and
8 Section 2832 (trust fund handling) of the Regulations.

9 (d) Respondent failed to maintain accurate and complete records of trust funds
10 received and disbursed for Bank Accounts #1 and #2. Such acts and/or
11 omissions by Respondent violate Section 10145 of the Code and Section 2831
12 (trust fund records) of the Regulations.

13 (e) Respondent failed to maintain separate records for each beneficiary of funds
14 held in Bank Accounts #1 and #2. Such acts and/or omissions by Respondent
15 violate Section 10145 of the Code and Section 2831.1 (requirement of
16 separate records for each beneficiary or transaction) of the Regulations.

17 (f) Respondent failed to maintain accurate written monthly reconciliations for the
18 balances of all of the separate records with the control records for Bank
19 Accounts #1 and #2. Such acts and/or omissions by Respondent violate
20 Section 10145 of the Code and Section 2831.2 (trust account reconciliation)
21 of the Regulations.

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23 The acts and/or omissions by Respondent as set forth in Paragraph 7, above,
24 violate Section 10145 of the Code, and Sections 2831, 2831.1, 2831.2, 2832 and 2832.1 of the
25 Regulations, and are grounds for discipline under Sections 10177(d) (willful disregard/violation
26 of real estate law) and/or 10177(g) (negligence or incompetence) of the Code. In addition, the

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1 Department is entitled to reimbursement for the costs of its audit pursuant to Section 10148(b)
2 (cost of audit in final decision following disciplinary hearing) of the Code.

3 SECOND CAUSE OF ACTION

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5 Respondent's unlicensed corporate entity, "Healdsburg Property Management
6 Inc." acted as a real estate broker without first obtaining a licensee to do so from the Department,
7 including the following:

8 -the "Account Contracts" (bank signature card documents) for Bank
9 Accounts #1 and #2, which were used to hold trust funds, indicated that
10 "Healdsburg Property Management Inc." was the owner of those accounts;

11 -the "Residential Lease-Rental Agreement and Deposit Receipt" with Marshall
12 and Tracie S., dated July 30, 2010, for the real property located at 9291
13 Lakewood Drive, Windsor, California, lists "Healdsburg Property Management
Inc." as the agent of the property owner; and

14 -the "Residential Lease-Rental Agreement and Deposit Receipt" with Joseph and
15 Patricia Ann D., dated September 15, 2010, for the real property located at 9466
16 Lakewood Drive, Windsor, California, lists "Healdsburg Property Management
Inc." as the agent of the property owner.

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18 The acts and/or omissions of Respondent as alleged in Paragraph 9, above, violate
19 Section 10130 (license requirement) of the Code, and are grounds for discipline under Sections
20 10177(d) and/or 10177(g) of the Code.

21 THIRD CAUSE OF ACTION

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23 Respondent failed to notify the Department of her employment of licensee Uribe
24 as a real estate salesperson.

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26 The acts and/or omissions of Respondent as alleged in Paragraph 11, above,
27 violate Section 10161.8 (notification to Department of real estate salesperson employment) of the

1 Code and Section 2752 (notice to Department of employment of salesperson) of the Regulations,
2 and are grounds for discipline under Sections 10177(d) and/or 10177(g) of the Code.

3 FOURTH CAUSE OF ACTION

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5 Respondent failed to maintain a proper Broker-Salesperson Relationship
6 Agreement with Uribe. Specifically, the Broker-Salesperson Relationship Agreement states it is
7 between Uribe and "Healdsburg Property Management, a California Corporation", which is not
8 licensed by the Department to act as a real estate broker.

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10 The acts and/or omissions as alleged in Paragraph 13, above, violate Section 2726
11 (required contents of broker-salesperson relationship agreements) of the Regulations, and are
12 grounds for discipline under Sections 10177(d) and/or 10177(g) of the Code.

13 COST RECOVERY

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15 Section 10106 of the Code provides, in pertinent part, that in any order issued in
16 resolution of a disciplinary proceeding before the department, the commissioner may request the
17 administrative law judge to direct a licensee found to have committed a violation of this part to
18 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Code, for the
4 reasonable cost of investigation and prosecution of this case, including agency attorney's fees,
5 and for such other and further relief as may be proper under other provisions of law.
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8 ROBIN S. TANNER
9 Deputy Real Estate Commissioner

10 Dated at Oakland, California,

11 this 21st day of August, 2012.
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