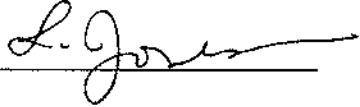


FILED

December 18, 2012

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

6 Telephone: (916) 227-0789
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9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 STEVEN KENT PETERSON,)
14 Respondent.)

No. H-11488 SF
ACCUSATION

15
16 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against STEVEN KENT PETERSON
18 (Respondent), is informed and alleges as follows:

19 1

20 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
21 the State of California, makes this Accusation in her official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law, Part 1 of Division 4 of the Business and Professions Code (Code).

25 3

26 At all times mentioned, Respondent was and is licensed by the Department
27 individually as a real estate broker.

1 4

2 At all times mentioned, Respondent engaged in the business of, acted in the
3 capacity of, advertised, or assumed to act as a real estate broker in the State of California, within
4 the meaning of Section 10131(b) of the Code in the operation and conduct of a property
5 management business with the public wherein, on behalf of others, for compensation or in
6 expectation of compensation, Respondent leased or rented and offered to lease or rent, and
7 placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of
8 real property or improvements thereon, and collected rents from real property or improvements
9 thereon.

10 5

11 On or about October 16, 2012, through October 18, 2012, an audit was conducted
12 of the records of Respondent. The auditor herein examined the records for the period of October
13 1, 2011, through September 30, 2012.

14 6

15 While acting as a real estate broker as described in Paragraph 4, Respondent
16 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
17 connection with the leasing, renting, and collection of rents on real property or improvements
18 thereon, as alleged herein, and thereafter from time to time made disbursements of said trust
19 funds.

20 7

21 The trust funds accepted or received by Respondent, as described in Paragraph 6,
22 were deposited or caused to be deposited by Respondent into trust accounts which were
23 maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
24 Respondent made disbursements of said trust funds, identified as follows:

25 ///

26 ///

27 ///

ACCOUNT # 1	
Bank Name and Location:	Wells Fargo P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXX0326
Account Name:	Steven K. Peterson dba Infinity Investments

8

In the course of the activities described in Paragraph 4, Respondent:

(a) failed to maintain a written control record, for Account #1, of all trust funds received and disbursed, containing all information required by Section 2831 of the Regulations;

(b) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into the Account #1, containing all of the information required by Section 2831.1 of the Regulations;

(c) failed to reconcile the balance of separate beneficiary or transaction records with the control record of trust funds received and disbursed at least once a month, and/or failed to maintain a record of such reconciliations for each account as required by Section 2831.2 of the Regulations;

(d) failed to deposit trust funds into one or more trust funds accounts in the name of Respondent as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of Title 10 of the Regulations.

9

The facts alleged in the above are grounds for the suspension or revocation of Respondent's licenses and license rights under the following sections of the Code and Regulations:

(1) As to Paragraph 8(a) under Section 10177(d) of the Code in conjunction with Section 2831 of the Regulations:

1 (2) As to Paragraph 8(b), under Section 10177(d) of the Code in conjunction
2 with Section 2831.1 of the Regulations;

3 (3) As to Paragraph 8(c), under Section 10177(d) of the Code in conjunction
4 with Section 2831.2 of the Regulations; and

5 (4) As to Paragraph 8(d), under Section 10177(d) of the Code in conjunction
6 with Section 10145 of the Code and Section 2832 of the Regulations.

7 COST RECOVERY

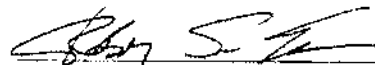
8 10

9 The acts and/or omissions of Respondent as alleged above, entitle the Department
10 to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund
11 handling violation) of the Code.

12 11

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 Respondent 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.

22
23 

24 ROBIN S. TANNER
25 Deputy Real Estate Commissioner

26 Dated at Oakland, California.

27 this 3rd day of December, 2012

DISCOVERY DEMAND

1 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of
2 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
3 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
4 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
5 Office of Administrative Hearings deems appropriate.
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