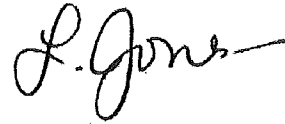


FILED

April 8, 2014

BUREAU OF REAL ESTATE



By _____

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2 Bureau of Real Estate
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8
9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 BEST PROPERTY MANAGEMENT, INC.)
14 and DUSTIN JAMES VENTURA,)
15 Respondents.)

No. H-11669 SF
ACCUSATION

16
17 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
18 the State of California, for Accusation against Respondents BEST PROPERTY
19 MANAGEMENT, INC. (BPMI) and DUSTIN JAMES VENTURA (VENTURA), sometimes
20 collectively referred to as Respondents, is informed and alleges as follows:

21 1

22 The Complainant makes this Accusation against Respondents in her official
23 capacity.

24 2

25 BPMI is presently licensed and/or has license rights under the Real Estate Law,
26 Part 1 of Division 4 of the California Business and Professions Code (Code) by the Bureau of
27 Real Estate (Bureau) as a corporate real estate broker dba Best Property Referrals.

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VENTURA is presently licensed and/or has license rights under the Code as a real estate broker.

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At all times mentioned herein, VENTURA was the designated broker-officer of BPMI. As the designated broker-officer, VENTURA 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 BPMI for which a real estate license is required to ensure the compliance of the corporation with the Real Estate law and the Regulations.

5

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 places 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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Beginning on November 1, 2013, and continuing intermittently through November 21, 2013, an audit was conducted at BPMI's branch office located at 191 Sand Creek Road, Suite #100, Brentwood, California and at the Bureau's district office located at 1515 Clay Street, Oakland, California, where the auditor examined records for the period of October 1, 2012, through September 30, 2013 (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, BPMI 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 BPMI, at Fremont Bank, 39150 Fremont Blvd., Fremont, CA 94538, as described below:

BANK ACCOUNT #1	
Account No.:	XXXX0864
Entitled:	Best Property Management

TRUST ACCOUNT #1	
Account No.:	XXXX3715
Entitled:	Best Property Management Trust

BANK ACCOUNT #2	
Account No.:	XXX4459
Entitled:	Best Property Management

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

In the course of the activities described in Paragraph 5, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) BPMI failed to designate Bank Account #1 and Bank Account #2 as trust accounts as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations);

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- 1 (b) during an accountability performed on Bank Account #1, and as of
2 September 29, 2013, a shortage of \$745.34 was revealed, in violation of
3 Section 10145 of the Code;
- 4 (c) during an accountability performed on Trust Account #1, and as of
5 September 30, 2013, a shortage of \$2,426.85 was revealed, in violation of
6 Section 10145 of the Code;
- 7 (d) during an accountability performed on Bank Account #2, and as of
8 August 30, 2013, a shortage of \$72,869.49 was revealed, in violation of
9 Section 10145 of the Code;
- 10 (e) during an accountability performed on Bank Account #2, and as of
11 September 30, 2013, a shortage of \$42,449.45 was revealed, in violation
12 of Section 10145 of the Code;
- 13 (f) BPMI failed to obtain written permission from owners of trust funds in
14 Trust Account #1, Bank Account #1 and Bank Account #2 to allow the
15 balance to drop below accountability, in violation of Section 2832.1 of
16 the Regulations;
- 17 (g) BPMI failed to maintain separate beneficiary records for Trust Account
18 #1, Bank Account #1 and Bank Account #2 as required by Section 2831.1
19 of the Regulations; and
- 20 (h) BPMI failed to perform monthly reconciliations of the separate
21 beneficiary records and control records for Trust Account #1, Bank
22 Account #1 and Bank Account #2, as required by Section 2831.2 of the
23 Regulations.

25 The acts and/or omissions described above constitute violations of Sections
26 2831.1 (separate beneficiary records), 2831.2 (monthly reconciliations), 2832 (trust fund
27 designation) and 2832.1 (written permission balance below accountability) of the Regulations

1 and of Section 10145 (trust fund handling) of the Code and are grounds for discipline under
2 Section 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence
3 licensee) of the Code.

4 SECOND CAUSE OF ACTION

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6 Complainant refers to Paragraphs 1 through 9, above, and incorporates them
7 herein by reference.

8 11

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

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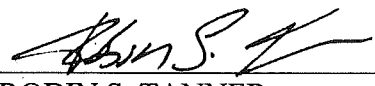
19 The above acts and/or omissions of VENTURA violate Section 2725 of the
20 Regulations and Section 10159.2 (responsibility/designated officer) of the Code and constitute
21 grounds for disciplinary action under the provisions of Sections 10177(d), 10177(g) and
22 10177(h) (broker supervision) of the Code.

23 13

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

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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.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 3rd day of April, 2014.