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MAR 02 2015

BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
CHARLES THOMAS BETTENCOURT,)
Respondent.)

NO. H-11817 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy
Real Estate Commissioner of the State of California, for cause of Accusation against
CHARLES THOMAS BETTENCOURT ("Respondent"), is informed and alleges as follows:

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

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At all times herein mentioned, Respondent was engaged in the business of, acted
in the capacity of, advertised or assumed to act as real estate broker in the State of California
within the meaning of Section 10131(b) of the Code (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, Respondent leased or rented and

1 offered to lease or rent, and solicited for prospective tenants of real property or improvements
2 thereon, and collected rents from real property or improvements thereon.

3 FIRST CAUSE OF ACTION

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5 On or about October 28, 2014, and continuing intermittently through October 29,
6 2014, an audit was conducted of Respondent at his main office located at 2115 Shattuck Avenue,
7 Berkeley California, where the auditor examined the records for the period of October 1, 2013,
8 through September 30, 2014 (the audit period).

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10 While acting as a real estate broker as described in Paragraph 2, above, and within
11 the audit period, Respondent accepted or received funds in trust (trust funds) in the course of the
12 real estate activities described in Paragraph 2, above, and deposited or caused to be deposited
13 those funds into a bank account maintained by Respondent, including, but not limited to:

14 Bank Account #1

15 Bank of America
16 2129 Shattuck Ave
Berkeley, CA 94704

17 Account No.: XXXXXXXXX9368

18 Account Name: North Berkeley Properties Trust

19 Signatories: Charles Thomas Bettencourt (REB),
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21 Thereafter, Respondent from time-to-time made disbursement of said trust funds.

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

25 (a) As of September 30, 2014, there was a shortage in Respondent's Bank
26 Account #1 of at least \$16,401.54. Respondent failed to obtain the prior written consent of every
27 principal who is an owner of the funds in Bank Account #1 prior to any disbursement which

1 would reduce the balance of the funds in Bank Account #1 to an amount less than the existing
2 aggregate account liability of Respondent to all owners and/or principals of those funds. Such
3 acts and/or omissions by Respondent violate Section 10145 (handling of trust funds) of the Code
4 and Section 2832.1 (trust fund handling for multiple beneficiaries) of Title 10 of the California
5 Code of Regulations ("the Regulations").

6 (b) Respondent failed to deposit trust funds collected into a proper broker trust
7 account. Instead, Respondent deposited trust funds collected into Bank Account #1, which was
8 owned by an unlicensed corporate entity, "North Berkeley Properties". Such acts and/or
9 omissions by Respondent violate Section 10145 of the Code and Section 2832 (trust fund
10 handling) of the Regulations.

11 (c) Respondent conducted real estate activities under the unlicensed corporation
12 "North Berkeley Properties". Such acts and/or omissions by Respondent violate Section 10130
13 (real estate license requirement) of the Code.

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15 The facts alleged in Paragraph 5, above, are grounds for the suspension or
16 revocation of the license and license rights of Respondent under Sections 10177(d) (willful
17 disregard of Real Estate Law) and/or 10177(g) (negligence/incompetence) of the Code. In
18 addition, the Bureau is entitled to reimbursement from Respondent for the costs of its audit
19 pursuant to Section 10148(b) (cost of audit in final decision following disciplinary hearing) of
20 the Code.

21 COST RECOVERY

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23 Section 10106 of the Code provides, in pertinent part, that in any order issued in
24 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
25 administrative law judge to direct a licensee found to have committed a violation of this part to
26 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, and for
4 such other and further relief as may be proper under the provisions of law.

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8 ROBIN S. TANNER
9 Deputy Real Estate Commissioner

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11 Dated at Oakland, California

12 this 24th day of February, 2015.
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