

JASON D. LAZARK, Counsel
State Bar No. 263714
Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-6070
(916) 263-8684 (Direct)

FILED

FEB 02 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BURUEA OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	
	)	NO. H-12059 SF
RASKIN REAL ESTATE INC. and	)	
RICHARD BENNETT RASKIN,	)	<u>ACCUSATION</u>
	)	
Respondents.	)	
	)	

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Supervising Special Investigator of the State of California, for cause of Accusation against Respondents RASKIN REAL ESTATE INC. and RICHARD BENNETT RASKIN (herein "RICHARD RASKIN") (collectively referred to as "Respondents"), is informed and alleges as follows:

1.

RASKIN REAL ESTATE INC. is presently licensed by the Bureau of Real Estate (herein "the Bureau") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (herein "the Code") as a restricted corporate real estate broker, and at all times relevant herein was acting by and through RICHARD RASKIN as its designated broker officer.

///

1 2.

2 At all times herein mentioned, RICHARD RASKIN was licensed and/or had
3 license rights under the Real Estate Law, Part 1 of Division 4 of the Code (herein "the Real
4 Estate Law") as an individual real estate broker and as the designated broker officer of RASKIN
5 REAL ESTATE INC.

6 3.

7 At all times relevant herein, RICHARD RASKIN was licensed by the Bureau as
8 the designated broker officer of RASKIN REAL ESTATE INC. and in that capacity was
9 responsible, pursuant to section 10159.2 of the Code, for the supervision of the activities of the
10 officers, agents, real estate licensees and employees of RASKIN REAL ESTATE INC. for which
11 a real estate license is required.

12 4.

13 Whenever reference is made in an allegation in this Accusation to an act or
14 omission of RASKIN REAL ESTATE INC., such allegation shall be deemed to mean that the
15 employees, agents and real estate licensees employed by, or associated with, RASKIN REAL
16 ESTATE INC., committed such act or omission while engaged in furtherance of the business or
17 operations of RASKIN REAL ESTATE INC., and while acting within the course and scope of
18 their authority and employment.

19 5.

20 At all times herein mentioned, Respondents engaged in the business of,
21 acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of
22 California on behalf of others, for compensation or in expectation of compensation within the
23 meaning of:

- 24 (a) section 10131(a) of the Code, including the operation and conduct of a real estate
25 brokerage that included the sale or offer of sale, purchase or offer of purchase,
26 solicitation of prospective sellers and purchasers of, solicitation or obtaining
27 listings of, or negotiations of the purchase, sale or exchange of real property or a

1 business opportunity; and

2 (b) section 10131(b) of the Code, including the operation and conduct of a property
3 management business with the public wherein, on behalf of others, for
4 compensation, leased or rented or offered to lease or rent, or placed for rent, or
5 solicited listings of places for rent, or solicited for prospective tenants, or
6 negotiated for sale, purchase or exchange of leases on real property, or on a
7 business opportunity, or collected rent from real property, or improvements
8 thereon, or from business opportunities.

9 AUDIT VIOLATIONS

10 (As to Respondents RASKIN REAL ESTATE INC. and RICHARD RASKIN)

11 6.

12 Each and every allegation contained above in Paragraphs 1 through 5, inclusive,
13 is incorporated by this reference as if fully set forth herein.

14 7.

15 On or about October 27, 2015, the Bureau conducted an audit at RASKIN REAL
16 ESTATE INC.'s main office located at 1300 25th Avenue Suite 300, San Francisco, CA 94122,
17 where the auditor examined records for the period of September 1, 2014, to September 31, 2015
18 (herein "the audit period").

19 8.

20 While doing business within the audit period, RASKIN REAL ESTATE INC.
21 accepted or received funds in trust (trust funds) from or on behalf of lenders, investors,
22 borrowers and others in connection with the mortgage loan brokerage activities and property
23 management activities, and deposited or caused to be deposited those funds into the following
24 bank account maintained by RASKIN REAL ESTATE INC.:

25 ///

26 ///

27 ///

TRUST ACCOUNT # 1	
Bank Name and Location:	Wells Fargo Bank 2300 Irving Street San Francisco, CA 94122
Account No.:	XXXXXX1713
Entitled:	Raskin Real Estate Inc. Trust Account
Signatories:	Richard Raskin (REB) and Isabella Teplitsky (RES)
No. of Signatures Required:	One

From time to time, RASKIN REAL ESTATE INC. made collections to and disbursement from said trust account.

9.

In the course of the activities described above in Paragraph 5, in connection with the collection and disbursement of trust funds, RASKIN REAL ESTATE INC.:

(a) caused, suffered or permitted the combined balance of funds in Trust Account #1 to contain a shortage of \$30,615.98 without the prior written consent of each and every owner of such funds, in violation of section 10145 of the Code and section 2832.1 of the California Code of Regulations (herein "the Regulations"); and

(b) failed to reconcile, at least once a month, the balance of all separate beneficiary or transaction records with the balance of the control records for Trust Account #1, in violation section 10145 of the Code and section 2831.2 of the Regulations.

10.

The facts alleged above in Paragraph 9 are grounds for the suspension or revocation of the licenses and license rights of RASKIN REAL ESTATE INC. under the following provisions of the Code and/or the Regulations:

(a) As to Paragraph 9(a), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and 2832.1 of the Regulations; and

(b) As to Paragraph 9(b), under Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and 2831.2 of the Regulations.

11.

The acts and/or omissions of RASKIN REAL ESTATE INC., as alleged above in Paragraphs 9 through 10, entitle the Bureau to reimbursement of the costs of its audit pursuant to section 10148 of the Code.

SECOND CAUSE OF ACTION

Failure to Supervise
(As Against RICHARD RASKIN)

12.

Each and every allegation in Paragraphs 1 through 11, inclusive, above, is incorporated by this reference as if fully set forth herein.

13.

RICHARD RASKIN, as the designated officer broker of RASKIN REAL ESTATE INC., was required to exercise reasonable supervision and control over the activities of RASKIN REAL ESTATE INC. RICHARD RASKIN failed to exercise reasonable supervision over the acts and/or omissions of RASKIN REAL ESTATE INC. in such a manner as to allow the acts and/or omissions as described in Paragraphs 1 through 11, above, to occur, all in violation of section 10159.2 of the Code and section 2725 of the Regulations.

14.

The facts described above as to the Second Cause of Action constitutes cause for the discipline of all licenses and license rights of RICHARD RASKIN under section 10177(g) of the Code and/or section 10177(h) of the Code in conjunction with section 10177(d) of the Code.

PRIOR DISCIPLINE

15.

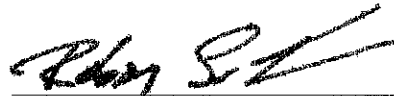
Effective January 29, 1998, in Case No. H-7453 SF, the Real Estate Commissioner restricted the corporate real estate broker license of RASKIN REAL ESTATE INC. for violating sections 10145, and 10177(d) of the Code and Sections 2726, 2830, 2831, 2831.2, 2832.1 and 2834 of the Regulations.

1 COST RECOVERY

2 16.

3 Section 10106 of the Code provides, in pertinent part, that in any order issued in
4 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
8 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
9 action against all licenses and license rights of all Respondents named herein under the Real
10 Estate Law, for costs of the investigation, audit and enforcement as permitted by law, and for
11 such other and further relief as may be proper under other provisions of law.

12 

13 ROBIN S. TANNER
14 Supervising Special Investigator

15 Dated at Oakland, California,
16 this 1st day of February, 2017.

17 DISCOVERY DEMAND

18 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
19 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the
20 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the
21 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
22 Administrative Hearings deems appropriate.
23
24
25
26
27