

1 JASON D. LAZARK, Counsel
2 State Bar No. 263714
3 Department of Real Estate
4 P.O. Box 137007
5 Sacramento, CA 95813-7007

6 Telephone: (916) 576-8700
7 (916) 576-7843 (Direct)

FILED

DEC 20 2019

DEPARTMENT OF REAL ESTATE
By S. Krapp

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of:) NO. H-12414 SF
13)
14 DAVID SCOTT ROBERSON,)
15)
16) ACCUSATION
17 Respondent.)
18)
19)

20 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
21 Supervising Special Investigator of the State of California, for cause of Accusation against
22 DAVID SCOTT ROBERSON ("Respondent"), is informed and alleges as follows:

23 1

24 At all times mentioned herein, Respondent was and is licensed by the State of
25 California Department of Real Estate ("Department") under the Real Estate Law, Part 1 of
26 Division 4 of the Business and Professions Code ("Code") as a real estate broker.

27 2

At all times mentioned 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, including the operation and conduct of a
property management business with the public wherein, on behalf of others, for compensation or

1 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and
2 solicited for prospective tenants of real property or improvements thereon, and collected rents
3 from real property or improvements thereon.

4 3

5 Beginning on or about March 12, 2019, and continuing until on or about May 1,
6 2019, an audit was conducted of Respondent's records. The auditor examined the records for the
7 period of July 1, 2017, through February 28, 2019.

8 4

9 While acting as a real estate licensee, as described above in Paragraph 2,
10 Respondent accepted or received funds in trust (trust funds) from or on behalf of owners and
11 tenants in connection with the leasing, renting, and collection of rents on real property or
12 improvements thereon, as alleged herein, and thereafter from time-to-time made disbursements
13 of said trust funds.

14 5

15 The trust funds accepted or received by Respondent, as described above in
16 Paragraph 4, were deposited or caused to be deposited by Respondent into a trust account
17 maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
18 Respondent made disbursements of said trust funds, from the following trust account:

BANK ACCOUNT #1	
Bank Name and Location:	First Republic Bank 1625 The Alameda San Jose, CA 95126
Account No.:	XXX-XXX-923-75
Entitled:	Silicon Valley Property Management Real Estate Trust Account David S. Roberson, Greg C. Bunker as Trustees
Signatories:	David S. Roberson (REB) Gregg C. Bunker (RES)
No. of Signatures Required:	One

26 ///

27 ///

BANK ACCOUNT #2	
Bank Name and Location:	First Republic Bank 1625 The Alameda San Jose, CA 95126
Account No.:	XXX-XXX-924-09
Entitled:	Silicon Valley Property Management Real Estate Trust Account David S. Roberson, Greg C. Bunker as Trustees
Signatories:	David S. Roberson (REB) Gregg C. Bunker (RES)
No. of Signatures Required:	One

6

In the course of the activities described in Paragraph 2, Respondent:

(a) caused, suffered or permitted the balance of funds in the Bank Account #1 to contain as shortage of \$37,170.65 as of December 31, 2018, 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 Chapter 6, Title 10, California Code of Regulations ("the Regulations");

(b) caused, suffered or permitted the balance of funds in the Bank Account #1 to contain as shortage of \$38,787.94 as of February 28, 2018, 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 Regulations;

(c) performed property management activities during a period when Respondent was unlicensed, in violation of Section 10131 of the Code;

(d) failed to place trust funds entrusted to Respondent into the hands of a principal on whose behalf the funds were received, into a neutral escrow depository, or into a trust fund account in the name of Respondent as trustee at a bank or other financial institution, in that trust funds were deposited into Bank Account #1 and Bank Account #2, in violation of Section 10145 of the Code and Section 2832 of the Regulations;

(e) caused, suffered or permitted trust funds in the amount of \$3,057.22 to be commingled with Respondent's own money, in violation of Section 10176(e) of the Code and Section 2835 of the Regulations;

///

1 (f) allowed real estate salesperson Gregg C. Bunker ("Bunker") to serve as a
2 signatory for Bank Account #1 and Bank Account #2 when Bunker was not licensed under
3 Respondent, in violation of Section 10145 of the Code and Section 2834 of the Regulations;

4 (g) failed to accurately reconcile at least once a month, the balance of all
5 separate beneficiary or transaction records with the balance of the control records for Bank
6 Account #1 and Bank Account #2, in violation of Section 10145 of the Code and Section 2831.2
7 of the Regulations;

8 (h) conducted real estate activities under a partnership with Bunker when
9 Bunker was not a real estate broker, in violation of 10130 of the Code; and

10 (i) conducted property management activities under a partnership named
11 Silicon Valley Property Management Group without first registering this fictitious business name
12 with the Department as required by Section 10159.5 of the Code and Section 2731 of the
13 Regulations.

14 7

15 The acts and/or omissions of Respondent, as alleged above in Paragraph 6,
16 constitute grounds for the suspension or revocation of all licenses and license rights of
17 Respondent pursuant to the following provisions of the Code and Regulations:

18 As to Paragraph 6(a), under Sections 10177(d) and/or 10177(g) of the Code, in
19 conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

20 As to Paragraph 6(b), under Sections 10177(d) and/or 10177(g) of the Code, in
21 conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

22 As to Paragraph 6(c), under Sections 10177(d) and/or 10177(g) of the Code, in
23 conjunction with Section 10130 of the Code;

24 As to Paragraph 6(d), under Sections 10177(d) and/or 10177(g) of the Code, in
25 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

26 ///

27 ///

1 As to Paragraph 6(e), under Sections 10176(e) of the Code, in conjunction with
2 Section 2835 of the Regulations;

3 As to Paragraph 6(f), under Sections 10177(d) and/or 10177(g) of the Code, in
4 conjunction with Section 10145 of the Code and Section 2834 of the Regulations;

5 As to Paragraph 6(g), under Sections 10177(d) and/or 10177(g) of the Code, in
6 conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations;

7 As to Paragraph 6(h), under Sections 10177(d) and/or 10177(g) of the Code, in
8 conjunction with Section 10130 of the Code; and

9 As to Paragraph 6(i), under Sections 10177(d) and/or 10177(g) of the Code, in
10 conjunction with Section 10159.5 of the Code and Section 2731 of the Regulations.

11 COST RECOVERY

12 8

13 The acts and/or omissions of Respondent, as alleged above in Paragraphs 4
14 through 7, entitle the Department to reimbursement of the costs of its audit pursuant to Section
15 10148(b) of the Code.

16 9

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

21 ///

22 ///

23 ///

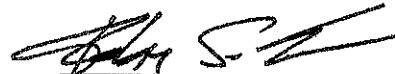
24 ///

25 ///

26 ///

27 ///

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, for the cost of
4 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
5 and further relief as may be proper under other provisions of law.

6
7 

8 ROBIN S. TANNER
9 Supervising Special Investigator

10 Dated at Oakland, California,
11 this 12th day of December, 2019.

12
13 DISCOVERY DEMAND

14 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
15 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
16 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
17 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
18 Administrative Hearings deems appropriate.