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FILED

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DEPARTMENT OF REAL ESTATE
By J. Jaggart

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of:) NO. H-12483 SF
13)
14 PAMELA DOLORES TAEUFFER,) ACCUSATION
Respondent.)

15 The Complainant, STEPHANIE YEE, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 PAMELA DOLORES TAEUFFER ("Respondent"), is informed and alleges as follows:

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

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23 At all times mentioned herein, Respondent engaged in the business of, acted in the
24 capacity of, advertised, or assumed to act as a real estate broker within the State of California
25 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
26 property management business with the public wherein, on behalf of others, for compensation or
27 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and

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

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4 Beginning on or about February 10, 2020, and continuing until on or about
5 February 13, 2020, an audit was conducted at 347 Healdsburg Ave., Suite F, Healdsburg, CA
6 95448, wherein the auditor examined Respondent's records for the period of January 1, 2018,
7 through January 31, 2020.

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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.

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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 bank accounts
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 bank accounts:

19 **BANK ACCOUNT #1**

20 Bank Name and Location:	Exchange Bank 1031 Vine St., Healdsburg, CA 95448
21 Account No.:	XXXXXXX1014
22 Signatories:	Pamela D. Taeuffer (REB)
No. of Signatures Required:	One

23 **BANK ACCOUNT #2**

24 Bank Name and Location:	Exchange Bank 1031 Vine St., Healdsburg, CA 95448
25 Account No.:	XXXXXXX1022
26 Signatories:	Pamela D. Taeuffer (REB)
27 No. of Signatures Required:	One

BANK ACCOUNT #3	
Bank Name and Location:	Exchange Bank 1031 Vine St., Healdsburg, CA 95448
Account No.:	XXXXXX1006
Signatories:	Pamela D. Tacuffer (REB)
No. of Signatures Required:	One

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

(a) caused, suffered, or permitted the balance of funds in Bank Account #1 to be reduced to an amount which, as of January 31, 2020, was approximately \$15,398.48 less than the aggregate liability of Bank Account #1 to all owners of such funds, 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 Title 10, California Code of Regulations ("the Regulations");

(b) caused, suffered, or permitted the balance of funds in Bank Account #2 to be reduced to an amount which, as of January 31, 2020, was approximately \$3,595.45 less than the aggregate liability of Bank Account #2 to all owners of such funds, 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) failed to properly designate Bank Account Nos. 1, 2 and 3 as trust accounts in the name of Respondent or her fictitious business name, as trustee, in violation of section 10145 of the Code and section 2832 of the Regulations;

(d) caused, suffered or permitted funds of others which were received and held by Respondent in Bank Account #2 to be commingled with Respondent's own money, in violation of Section 10176(e) of the Code and Section 2835 of the Regulations; and

(e) failed to accurately reconcile at least once a month, the balance of all separate beneficiary or transaction records with the balance of the control records for Bank Account Nos. 1, 2 and 3, in violation of Section 10145 of the Code and Section 2831.2 of the Regulations.

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

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

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

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

As to Paragraph 6(d), under Sections 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10176(e) of the Code and Section 2835 of the Regulations; and

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

MATTER IN AGGRAVATION
PRIOR DISCIPLINARY ACTION

On or about June 13, 2013, after Respondent was given fair notice of the charges and a hearing was held according to the procedures set forth in the Administrative Procedures Act, the Commissioner of the Department of Real Estate ("the Commissioner"), in Case No. H-11450 SF, suspended Respondent's license for a period of 30 days after finding that Respondent violated Sections 10130, 10161.8, 10177(d), and 10177(g) of the Code, and Section 2726, 2831, 2831.1, 2831.2, and 2832 of the Regulations.

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1 COST RECOVERY

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3 The acts and/or omissions of Respondent, as alleged above in Paragraphs 4
4 through 7, entitle the Department to reimbursement of the costs of its audit pursuant to Section
5 10148(b) of the Code.

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

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

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18 STEPHANIE YEE
19 Supervising Special Investigator

20 Dated at Oakland, California,
21 this 19th day of January, 2021

22 DISCOVERY DEMAND

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