

**FILED**

**FEB 23 2021**

DEPARTMENT OF REAL ESTATE

By           *pdw*          

1 MEGAN LEE OLSEN, Counsel, (SBN 272554)  
2 Department of Real Estate  
3 P. O. Box 137007  
4 Sacramento, CA 95813-7007

5 Telephone: (916) 576-8700  
6 (916) 263-3767 (Fax)  
7 (916) 576-7846 (Direct)

8  
9 **BEFORE THE DEPARTMENT OF REAL ESTATE**

10 **STATE OF CALIFORNIA**

11 \* \* \*

12 In the Matter of the Accusation of )  
13 BRIAN ERNEST RAMSEY, ) No. H-12505 SF  
14 Respondent. ) ACCUSATION

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 BRIAN ERNEST RAMSEY (Respondent), is informed and alleges as follows:

18 1

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

23 2

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

1 compensation or in expectation of compensation, Respondent leased or rented or offered to  
2 lease or rent, or solicited listings of places for rent or solicited for prospective tenants, or  
3 negotiated the sale, purchase or exchange of leases on real property, or on a business  
4 opportunity, or collected rent from tenants.

5 3

6 Beginning on April 3, 2020, and continuing intermittently through May 6, 2020,  
7 an audit was conducted of the records of Respondent. The auditor examined the records for the  
8 period of January 1, 2019, through December 31, 2019 (the audit period).

9 4

10 Respondent, while acting as a real estate broker, as described in Paragraph 2,  
11 accepted or received funds in trust (trust funds) from or on behalf of owners, lessees and others  
12 in connection with property management activities, and deposited those funds into bank accounts  
13 maintained by Respondent, at the following financial institutions, including but not limited to the  
14 following:

TRUST ACCOUNT #1	
16 Bank:	Bank of America, P.O. Box 15284, Wilmington, DE 19850
17 Account No.:	XXXXXXXXX1116
18 Entitled:	RAMSEY PROPERTIES 19 RP TRUST ACCT 20 BRIAN E. RAMSEY, TRUSTEE

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

22 5

23 In the course of the activities described in Paragraph 2, in connection with  
24 collection and disbursement of trust funds, it was determined that:

- 25 (a) An accountability was performed on Trust Account #1, and as of December  
26 31, 2019, a shortage of \$34,993.64 was revealed, in violation of Section 10145  
27 of the Code;

1 (b) Respondent failed to obtain written permission from owners of trust funds in  
2 Trust Account #1 to allow the balance to drop below accountability, in  
3 violation of Section 2832.1 of Chapter 6, Title 10, California Code of  
4 Regulations (Regulations);

5 6

6 The acts and/or omissions described above constitute violations of Section 2832.1  
7 (Written Permission for Balance Below Accountability) of the Regulations and Section 10145  
8 (Trust Fund Handling) of the Code, and are grounds for discipline under Sections 10177(d)  
9 (Willful Disregard of Real Estate Laws) and/or 10177(g) (Negligence/Incompetence Licensee) of  
10 the Code.

11 COST RECOVERY

12 7

13 Audit Costs

14 The acts and/or omissions of Respondents, as alleged above, entitle the  
15 Department to reimbursement of the costs of its audits pursuant to Section 10148 (b) (Audit  
16 Costs for Trust Fund Handling Violations) of the Code.

17 8

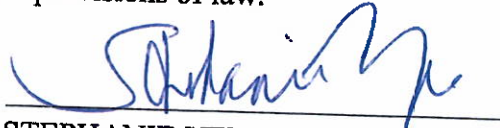
18 Costs of Investigation and Enforcement

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

24 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
25 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
26 action against all licenses and license rights of Respondent under the Code, for the reasonable

27 ///

1 cost of investigation and enforcement as permitted by law, for the cost of the audit, and for such  
2 other and further relief as may be proper under other provisions of law.

3  
4 

5 STEPHANIE YEE  
6 Supervising Special Investigator

7 Dated at Oakland, California,  
8 this 11th day of February, 2021.

9  
10 DISCOVERY DEMAND

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

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27