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FILED
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DEPARTMENT OF REAL ESTATE
By *K. Mas*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 PLT PROPERTY MANAGEMENT,)
14 PRESTON LEE TROTTER, JR. and)
15 RAMESHWAR PRASAD,)
16 Respondents.)

NO. H-5860 SAC
ACCUSATION

17 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy
18 Real Estate Commissioner of the State of California ("Complainant"), for Accusation against
19 Respondents PLT PROPERTY MANAGEMENT, ("PLT"); PRESTON LEE TROTTER, JR.,
20 ("TROTTER"); and RAMESHWAR PRASAD, ("PRASAD"); (collectively "Respondents"), is
21 informed and alleges as follows:

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23 At all times mentioned, PLT was licensed by the State of California Department
24 of Real Estate ("the Department") as a corporate real estate broker, which license expired on
25 May 11, 2012.

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At all times mentioned, TROTTER was and is now licensed by the Department as a real estate broker. For the period of January 28, 2010, through May 11, 2012, TROTTER was the designated broker/officer for PLT. As the designated broker/officer, TROTTER was responsible pursuant to Section 10159.2 (supervision responsibility of designated broker/officer) of the California Business and Professions Code ("the Code") for the supervision of the activities of the officers, agents, real estate licensees and employees of PLT for which a license is required.

At all times mentioned, PRASAD was and is now licensed by the Department as a real estate broker. Up to January 27, 2010, PRASAD was the designated broker/officer for PLT. As the designated broker/officer, PRASAD was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of PLT for which a license is required.

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code (broker defined – 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, Respondents leased or rented or offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

FIRST CAUSE OF ACTION

On or about January 26, 2006, PLT entered into a property management agreement with Yohannes G. to manage her real properties located at 8512 Vintage Park Drive and 5050 64th Street in Sacramento, California. After collecting rent payments on those

1 properties, PLT was late in making payment to Yohannes G. for multiple months, including, but
2 not limited to April, May and July 2010. In addition, on at least two occasions, the checks
3 submitted by PLT to Yohannes G. for rent payments collected on the Vintage Park Drive and
4 64th Street properties were returned by the bank for insufficient funds.

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6 The acts and/or omissions of PLT as alleged in Paragraph 5, above, violate
7 Sections 10176(c) (continued and flagrant course of misrepresentation or making false
8 promises) and 10176(i) (fraud or dishonest dealing) of the Code and are grounds for the
9 revocation or suspension of the real estate license and/or license rights of PLT under Sections
10 10176(i), and 10177(d) (willful disregard or violation of Real Estate Law) and/or 10177(g)
11 (negligence or incompetence) of the Code.

12 SECOND CAUSE OF ACTION

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14 On or about February 21, 2008, PLT entered into a property management
15 agreement with Mary H. to manage her real property located at 10150 Omeara Drive,
16 Sacramento, California. After collecting rent payments on that property, PLT failed to remit
17 those payments to Mary H. for the months of June, July and August, 2010. In addition, a rent
18 payment made by PLT to Mary H. for rent collected on the Omeara Drive property on June 29,
19 2010, was returned by the bank for insufficient funds.

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21 The acts and/or omissions of PLT as alleged in Paragraph 7, above, violate
22 Sections 10176(c) and 10176(i) of the Code and are grounds for the revocation or suspension
23 of the real estate license and/or license rights of PLT under Sections 10176(i), and 10177(d)
24 and/or 10177(g) of the Code.

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1 THIRD CAUSE OF ACTION

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3 In or about 2010, PLT entered into a property management agreement with
4 Mahbub S. to manage his real properties located at 7544 Whisperwillow Drive and 7226
5 Willowwind Court in Sacramento, California. After collecting rent payments on those
6 properties, PLT remitted only partial payment to Mahbub S. for the rent collected on the
7 Whisperwillow Drive and Willowwind Court properties for the month of June 2010, and failed
8 to remit any rent payments collected to Mahbub S. for the months of July and August 2010.

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10 The acts and/or omissions of PLT as alleged in Paragraph 9, above, violate
11 Sections 10176(c) and 10176(i) of the Code and are grounds for the revocation or suspension
12 of the real estate license and/or license rights of PLT under Sections 10176(i), 10177(d) and/or
13 10177(g) of the Code.

14 FOURTH CAUSE OF ACTION

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16 On or about September 1, 2009, PLT entered into a property management
17 agreement with Stephen J. and Michele J. to manage their real property located at 8646 Heritage
18 Hill Drive, Elk Grove, California. After collecting rent payments on those properties, PLT
19 failed to remit any payments to Stephen J. and Michele J. for the months of November 2009
20 through June 2010. PLT also failed to turn over to Stephen J. and Michele J. a \$500 pet
21 security deposit payment made by the renters of the property. In addition, on at least three
22 occasions, the checks submitted by PLT to Stephen J. and Michele J. for rent payments
23 collected on the Heritage Hill Drive property were returned by the bank for insufficient funds.

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2 The acts and/or omissions of PLT as alleged in Paragraph 11, above, violate
3 Sections 10176(c) and 10176(i) of the Code and are grounds for the revocation or suspension
4 of the real estate license and/or license rights of PLT under Sections 10176(i), and 10177(d)
5 and/or 10177(g) of the Code.

6 FIFTH CAUSE OF ACTION

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8 TROTTER informed the Department that his main office address, and that of
9 PLT, is 9245 Laguna Springs Drive, Suite 200, Elk Grove, California. In addition, TROTTER
10 informed the Department that his residence address is 9804 Ruddy Duck Way, Elk Grove,
11 California.

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13 At no time to the date of the filing of this Accusation has the Department
14 received notice from TROTTER or PLT, or any other responsible party, that any of their
15 addresses listed with the Department have changed.

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17 An audit was requested of PLT's trust fund accounts and records for the period
18 of May 1, 2010, to May 31, 2011, to determine whether PLT handled and accounted for trust
19 funds in accordance with the Real Estate Law and the Commissioner's Regulations. On or
20 about July 11, 2011, an auditor from the Department's Sacramento Office sent a letter to
21 TROTTER at his official office address informing him that an audit entrance conference was
22 scheduled at PLT's main office for July 18, 2011. That letter was returned to the Department
23 by the U.S. Postal Service marked "addressee unknown".

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25 On or about July 18, 2011, the Department's auditor attempted to locate
26 TROTTER at the office address listed with the Department for PLT and TROTTER. On that
27 date, the auditor interviewed Nishant Kohli, general manager of the property located at 9245

1 Laguna Springs Drive, and was told that TROTTER had left months before with rent still owed
2 for his office space. In addition, the auditor made several unsuccessful attempts to locate
3 TROTTER at his residence address listed with the Department.

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5 The acts and/or omissions of TROTTER and PLT described in Paragraphs 13
6 through 16, above, violate Section 10162 of the Code (maintenance of definite place of
7 business) and Section 2715 (notification to Department of principal place of business), Title 10,
8 California Code of Regulations, and are grounds for the revocation and/or suspension of the real
9 estate licenses and/or license rights of TROTTER and PLT under Sections 10177(d) and/or
10 10177(g) of the Code.

11 SIXTH CAUSE OF ACTION

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13 During the period of January 28, 2010, through May 11, 2012, TROTTER failed
14 to exercise reasonable supervision over the acts of PLT and its agents and employees in such a
15 manner as to allow the acts and omissions as set forth in Paragraphs 5 through 17, above, to
16 occur.

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18 The acts and/or omissions by TROTTER as alleged in Paragraph 18, above,
19 violate Section 10159.2 of the Code and Section 2725 (reasonable supervision by broker) of the
20 Regulations, and are grounds for the suspension or revocation of the real estate license or
21 license rights of TROTTER under Sections 10177(d) and/or 10177(g), and 10177(h)
22 (reasonable supervision by broker) of the Code.

23 SEVENTH CAUSE OF ACTION

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25 During the period up to January 29, 2010, PRASAD failed to exercise reasonable
26 supervision over the acts of PLT and its agents and employees in such a manner as to allow the
27 acts and omissions as set forth in Paragraph 11, above, to occur.

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The acts and/or omissions by PRASAD as alleged in Paragraph 20, above, violate Section 10159.2 of the Code and Section 2725 of the Regulations, and are grounds for the suspension or revocation of the real estate license or license rights of PRASAD under Sections 10177(d) and/or 10177(g), and 10177(h) of the Code.

COST RECOVERY

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code and for such other and further relief as may be proper under other provisions of law.



TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 5th day of August, 2012.