



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: District Attorney
Department No.: 021
For Agenda Of: August 21, 2012
Placement: Administrative
Estimated Tme:
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Joyce E. Dudley, District Attorney
Director
Contact Info: Dave Saunders, Chief Investigator, 568-2359
SUBJECT: Real Estate Fraud Prosecution Program - Report for FY 2011-12

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

It is recommended that Board of Supervisors accept and file the Real Estate Fraud Prosecution Program Report for FY 2011-12.

Summary Text:

In August 2007, the Board of Supervisors established a new recording fee on certain real estate documents and authorized the District Attorney to establish the Real Estate Fraud Prosecution Program to deter, investigate, and prosecute real estate fraud crimes. The goal of the program is to reduce the victimization of vulnerable residents who are unsophisticated in the complexities of real estate transactions. Pursuant to the California Government Code, the District Attorney is providing the annual report of the program's activities and funding.

Background:

The District Attorney was authorized to implement the provisions of California Government Code section 27388, which established a \$2.00 recording fee to fund a program to deter, investigate and prosecute real estate fraud crimes. In September 2007, the County Clerk-Recorder-Assessor began collecting this fee when certain real estate instruments, paper, or notices were recorded.

The Clerk-Recorder-Assessor retains 10% of the funds collected to offset their costs, with the balance utilized by the District Attorney to finance salaries and benefits dedicated to the investigation and prosecution of real estate fraud. In 2010, Senate Bill 1396 amended section 27388 to authorize the increase of fees from \$2.00 to \$3.00, which the District Attorney requested and the Board approved.

Highlights of the District Attorney's continuing implementation efforts and accomplishments are included in the attached Annual Report.

Fiscal and Facilities Impacts:

Document fees collected by the District Attorney in FY 2011-12 totaled \$138,407, which partially financed salary and benefit expenses for an experienced DA Investigator assigned to this effort, in addition to a Deputy District Attorney and Victim Witness Advocate. The Real Estate Fraud Designation has a current balance of \$28,122 for use in future years to finance costs that may be incurred for real estate fraud prosecution.

Attachments:

FY 2011-12 Real Estate Fraud Prosecution Program Annual Report

Authored By: Kimbra McCarthy, Director of Administration