



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: September 13, 2011  
Placement: Administrative  
Estimated Tme:  
Continued Item:  
If Yes, date from:  
Vote Required: Majority

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**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 2010-11**

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**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 2010-11.

**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 program's goal 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 in FY 2010-11 totaled \$152,663, of which 10%, or \$15,266, was retained by the Clerk-Recorder-Assessor for administrative fees. The balance of \$137,397 partially financed salary and benefit expenses for an experienced 1.0 FTE 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.

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>FY 10-11 Revenue:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees	\$ 152,663.00	\$ -	
Other			
Total	\$ 152,663.00	\$ -	\$ -

**Attachments:**

FY 2010-2011 Real Estate Fraud Prosecution Program Annual Report

**Authored By:** Kimbra McCarthy, Director of Administration