



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 22, 2009
Placement: Administrative
Estimated Tme:
Continued Item: Select_Continued
If Yes, date from:
Vote Required: Select_Vote

TO: Board of Supervisors

FROM: District Attorney Name & Phone: Christie Stanley, x2308
Contact Info: Name & Phone: Dave Saunders, Chief Investigator x2359

SUBJECT: Annual Real Estate Fraud Program Report

County Counsel Concurrence

As to form: No

Auditor-Controller Concurrence

As to form: No

Other Concurrence: Select_Other

As to form: Select_Concurrence

Recommended Actions:

That the Board of Supervisors:

- a) Accept the District Attorney's annual report regarding the Real Estate Fraud Program for fiscal year 2008-09.

Summary Text:

In August 2007, the Board of Supervisors established a new recording fee on certain legal real estate documents and authorized the District Attorney to establish a Real Estate Fraud Program to deter, investigate, and prosecute real estate fraud crimes. Consistent with the California Government Code, the District Attorney is providing the second annual report of the program's activities and expenditures.

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, retaining 10% of the funds to offset their costs, with the balance utilized by the District Attorney to finance a criminal investigator dedicated to the investigation of real estate fraud.

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

Performance Measure:

The Real Estate Fraud Unit initiated thirteen investigations. Nine of those were closed because there was insufficient evidence to prosecute or the act committed were not a violation of the law. Fourteen cases are currently pending, including three in the prosecution stage.

Fiscal and Facilities Impacts:

Due to the stagnant level of real estate transactions, document fees collected totaled \$55,512, of which 10% (\$5,551) was retained by the Clerk Recorder/Assessor for administrative fees. The balance of \$49,961 financed all but \$4,946 of the program expenses, which included \$53,578 in salaries and benefits for an experienced DA Investigator assigned ½ time to this effort, along with \$1,329 in operational support costs. Of the \$33,566 balance transferred to Designation at the end of FY 07-08, the \$4,946 will be budgeted to support the FY09-10 operating costs. The remaining \$28,620 will be reserved to finance costs that may be incurred for case prosecution.

Fiscal Analysis:

<u>Funding Sources</u>	<u>FY 08-09 Revenue:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees	\$ 48,000.00	\$ 55,000.00	
Other: Designation	\$ 4,946.00		
Total	\$ 52,946.00	\$ 55,000.00	\$ -

Staffing Impacts:

Legal Positions:

District Attorney
Investigator

FTEs:

.5 fte

Program responsibility was recently assigned to a fte DA Investigator on a half-time basis, along with minimal operating expenses.

Attachments:

FY 08-09 Real Estate Fraud Annual Report

Authored by:

David Saunders