



Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 7/19/2019 **In control:** Board of Supervisors

On agenda: 8/6/2019 **Final action:** 8/6/2019

Title: District Attorney recommending the Board:
1) Receive and file the Fourteenth Annual Report on Real Estate Fraud for Fiscal Year 2018-2019;
and
2) Adopt and authorize the Chair to sign Resolution 127-2019 reducing the District Attorney Real Estate Fraud recording fee from \$3.00 to \$2.00.

FUNDING: Real Estate Fraud Prosecution Trust.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Minutes 7.25.19 Real Estate Fraud Prosecution, 2. B - 2019-07-25 REAL ESTATE FRAUD FY18-19 ANNUAL REPORT, 3. C - Resolution and Counsel Approval, 4. Executed Resolution 127-2019

Date	Ver.	Action By	Action	Result
8/6/2019	1	Board of Supervisors	Approved	Pass

District Attorney recommending the Board:

- 1) Receive and file the Fourteenth Annual Report on Real Estate Fraud for Fiscal Year 2018-2019;
and
- 2) Adopt and authorize the Chair to sign Resolution **127-2019** reducing the District Attorney Real Estate Fraud recording fee from \$3.00 to \$2.00.

FUNDING: Real Estate Fraud Prosecution Trust.

DISCUSSION / BACKGROUND

In accordance with Government Code Section 27388(d), the Board of Supervisors is required to annually review the effectiveness of the District Attorney in deterring, investigating and prosecuting real estate fraud crime based upon information provided by the District Attorney in an annual report. The report is attached.

A review of the Real Estate Fraud Special Revenue fund during the annual Real Estate Fraud Prosecution trust fund committee meeting held on July 25, 2019 identified the fund appears to have sufficient cash to operate at reduced revenue for one year and the committee recommended the fee be reduced from \$3.00 to \$2.00 for one year.

Upon further review of this committee recommendation, the District Attorney is requesting a permanent reduction of the fee from \$3.00 to \$2.00 and will monitor the case activity and if needed, at a future date will return to the Board with a request to adjust as needed. The fee is collected by the Recorder-Clerk on recorded documents related to real estate change in ownership and related transactions.

ALTERNATIVES

The Board could choose to not reduce the fee and program revenue would be projected at current levels.

PRIOR BOARD ACTION

July 24, 2018; Legistar File 18-1062: District Attorney recommending the Board receive and file the Thirteenth Annual Report on Real Estate Fraud for Fiscal Year 2017-18.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Real Estate Fraud Committee; Recorder-Clerk

CAO RECOMMENDATION / COMMENTS

Approve as recommend

FINANCIAL IMPACT

The trust fund beginning balance as of July 1, 2018 was \$350,400.79. The FY 2018-19 revenue received, including interest, totals \$106,745.00, leaving an unadjusted ending balance as of June 30, 2019 in the amount of \$457,145.79.

The total FY 2018-19 investigation and prosecution expenditures for the Real Estate Fraud Program are estimated at \$58,007.82. The FY 2018-19 estimated ending fund balance is \$399,137.97.

There is no Net County Cost for this program.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

Vern Pierson, District Attorney