



County of San Mateo

Inter-Departmental Correspondence

Department: DISTRICT ATTORNEY

File #: 19-863

Board Meeting Date: 9/17/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Stephen M. Wagstaffe, District Attorney
Subject: District Attorney's FY2018 - 2019 Annual Board Report for the Real Estate Fraud Program

RECOMMENDATION:

Adopt a resolution accepting the District Attorney's Office's Annual Report for the Real Estate Fraud Program during the 2018-2019 Fiscal Year.

BACKGROUND:

State law has long recognized the significant public concern surrounding real estate fraud and the need for real estate fraud investigation and prosecution. To cover the costs associated with regulating real estate fraud, Government Code Section 27388 allows a county board of supervisors to impose a fee for the recording of designated real estate instruments. The fees collected may be placed in a Real Estate Fraud Prosecution Trust Fund and used to pay for the costs associated with real estate fraud investigation and prosecution. During the 2017-2018 Fiscal Year, the San Mateo County District Attorney formed a dedicated investigation and prosecution unit focusing on real estate fraud. Pursuant to Government Code section 27388, this Board approved the imposition of a \$3 recording fee on certain real estate instruments for purposes of funding the District Attorney's Real Estate Fraud Unit. The San Mateo County District Attorney continued the dedicated investigation and prosecution unit focusing on real estate fraud during the 2018-2019 Fiscal Year.

DISCUSSION:

In order to continue to receive funding from the imposed fee, Government Code section 27388(d) requires the District Attorney's Office to submit this annual report to the County Board of Supervisors by September 1 of each year, and for the Board to annually review the effectiveness of the District Attorney in deterring, investigating, and prosecuting real estate crimes based upon the information contained in the District Attorney's report.

As detailed in the attached report, the Real Estate Fraud Unit has investigated and prosecuted numerous cases including those involving some of the most vulnerable people in County.

The San Mateo County District Attorney's Office is requesting that the Board accept their Real Estate

Fraud Unit's Annual Board Report for the 2018-2019 Fiscal Year. This report summarizes the progress of the District Attorney's Office in deterring, investigating, and prosecuting real estate fraud crimes.

Approval for this agreement contributes to the Shared Vision 2025 outcome of Safe Neighborhoods by continuing to provide the funding for the resources necessary to regulate real estate instrument recordings and prevent real estate fraud through investigation and prosecution.

County Counsel has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no fiscal impact in the acceptance of the report.