Department of Real Estate
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FILED
AUG 17 2012
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: EDGARDO LOPEZ SALAZAR.	NO. H-4399 SD ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Commissioner ("the Commissioner") of the California Department of Real Estate ("the Department") caused an investigation to be made of the activities of EDGARDO LOPEZ SALAZAR ("Respondent"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violation of Section 10130 (real estate broker license requirement) of the California Business and Professions Code ("the Code"). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At all times mentioned, Respondent was and now is licensed by the Department as a real estate salesperson under the real estate broker license of Gisel Munguia ("Munguia").

At no time has Respondent been licensed by the Department to conduct real estate activity in California as a real estate broker.

2. At all times mentioned, Ricardo Alvarez ("Alvarez") was licensed by the Department as a real estate salesperson, which license expired on September 19, 2009.

3. On or about June 29, 2009, Respondent and non-licensee Teresa Flores ("Flores") showed Miriam G. real property for sale located at 66 East Shasta, Chula Vista, California.

4. On or about July 6, 2009, Miriam G. met with Respondent, Flores and Alvarez, and made a purchase offer for real property located at 66 East Shasta, Chula Vista, California. Respondent instructed Miriam G. to give the earnest money deposit of $5,000 to Alvarez. In turn, Alvarez told Miriam G. to make the earnest money deposit check payable to "Financial Center", an unlicensed corporation and fictitious business name owned and controlled by Alvarez.

5. Although Miriam G.'s purchase offer was presented to the listing agent for the East Shasta property, the earnest money deposit paid by Miriam G. was not forwarded to escrow, the property's listing agent or Munguia. Instead, on or about July 7, 2009, the earnest money deposit check was cashed by Alvarez. Neither Respondent nor Alvarez has repaid the earnest money deposit paid by Miriam G.

CONCLUSIONS OF LAW

6 Based on the Findings of Fact contained in Paragraphs 1 through 5, above, Respondent performed activities which required a real estate license in violation of Section 10130 of the Code.

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DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, EDGARDO LOPEZ SALAZAR, whether doing business under your own name, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from conducting activities in violation of the California Real Estate Law, and activities requiring a real estate broker license in the State of California until such time as you are properly licensed to perform such activities.

DATED: 8/14/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

Notice: Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)…."

cc: EDGARDO LOPEZ SALAZAR
3336 Soldau Drive
San Diego, CA 92154

ATT JWB/km