

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 137007  
5 Sacramento, CA 95813-7007

6 Telephone: (916) 263-8672  
7 (916) 263-8676 (Direct)

**FILED**

DEC 27 2018

DEPARTMENT OF REAL ESTATE  
By L. Lopez

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 eVISION REAL ESTATE, JOMOROS )  
13 REALTY, INC., AND MARTIN GARCIA )  
14 BARAJAS, )  
15 Respondents. )

No. H-3220 FR  
ACCUSATION

16 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the  
17 State of California, for cause of Accusation against eVISION REAL ESTATE, JOMOROS  
18 REALTY, INC., AND MARTIN GARCIA BARAJAS (collectively "Respondents"), is informed  
19 and alleges as follows:

20 1

21 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the  
22 State of California, makes this Accusation in her official capacity.

23 2

24 Respondents are presently licensed and/or has license rights under the Real  
25 Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

3

At all times mentioned, Respondent eVISION REAL ESTATE (ERE) was and is licensed by the State of California Department of Real Estate (Department) as a real estate corporation.

4

At all times mentioned, Respondent JOMOROS REALTY, INC. (JRI) was and is licensed by the Department as a real estate corporation.

5

At all times mentioned, Respondent MARTIN GARCIA BARAJAS (BARAJAS) was and is licensed by the Department individually as a real estate broker, and as the designated broker officer of ERE and JRI. As said designated officer-broker, BARAJAS was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of ERE and JRI for which a license is required.

6

On or about February 20, 2015, BARAJAS on behalf of ERE informed the Department that ERE's main office address is 615 13<sup>th</sup> Street, Suite A, Modesto, California 95354.

7

At no time to the date of the filing of this Accusation has the Department received notice from ERE that its main office addresses has changed from 615 13<sup>th</sup> Street, Suite A, Modesto, California 95354.

8

On or about September 1, 2016, BARAJAS on behalf of JRI informed the Department that JRI's main office address is 615 13<sup>th</sup> Street, Suite B, Modesto, California 95354.

///  
///  
///

1 9

2 At no time to the date of the filing of this Accusation has the Department received  
3 notice from JRI that its main office addresses has changed from 615 13<sup>th</sup> Street, Suite B,  
4 Modesto, California 95354.

5 10

6 On or about May 6, 2018, BARAJAS informed the Department that his main  
7 office address was 615 13<sup>th</sup> Street, Suite B, Modesto, California 95354.

8 11

9 On or about August 20, 2018, BARAJAS informed the Department that his main  
10 office address was 123 No Address, Modesto, California 95354. This address is fake and does  
11 not exist.

12 12

13 On or about July 17, 2018, a Special Investigator from the Department's Fresno  
14 Office drove to 615 13<sup>th</sup> Street, Suite A, Modesto, California 95354, and found that the suite was  
15 occupied by "The Bogan Law Firm".

16 13

17 On or about July 17, 2018, a Special Investigator from the Department's Fresno  
18 Office drove to 615 13<sup>th</sup> Street, Suite B, Modesto, California 95354, and found that the suite was  
19 occupied by "Morad Engineering," "Charles Jones Investigations," "Psychotherapy Offices," and  
20 "Carthy Law Offices".

21 14

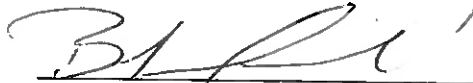
22 The acts and/or omissions of Respondents as described above violate Section  
23 10162 of the Code (Maintenance of Definite Place of Business Within State) and Section 2715  
24 (Notification to Department of Principal Place of Business) Title 10, California Code of  
25 Regulations (Regulations), and are grounds for the revocation or suspension of all Respondents'  
26 licenses and/or license rights under Section 10177(d) (Willful Violation of Real Estate Law) of  
27 the Code.

1 COST RECOVERY

2 15

3 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
8 of this Accusation and that upon proof thereof, a decision be rendered imposing discipline on all  
9 licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the  
10 Business and Professions Code), for the cost of the investigation and enforcement of this case as  
11 permitted by law, and for such other and further relief as may be proper under the provisions of  
12 law.

13   
14 \_\_\_\_\_  
15 BRENDA SMITH  
16 Supervising Special Investigator

17 Dated at Fresno, California,  
18 this 19 day of December, 2018

19 DISCOVERY DEMAND

20 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of Real Estate  
21 hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative*  
22 *Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the  
23 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
24 Administrative Hearings deems appropriate.  
25  
26  
27