


**FILED**

**August 19, 2011**

DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

DALE WILLES,

Respondent.

) NO. H-5289 SAC  
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)  
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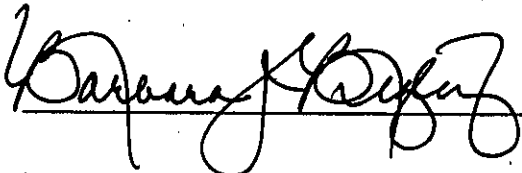
DISMISSAL

Respondent's REB license expired on February 22, 2009. Respondent's license renewal rights have expired.

The Accusation herein filed on October 26, 2009, against DALE WILLES is DISMISSED.

IT IS SO ORDERED 8/17/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



Flab

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6  
7 Telephone: (916) 227-1126

**FILED**  
OCT 26 2009  
DEPARTMENT OF REAL ESTATE  
By L. Frost

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11	In the Matter of the Accusation of	)	
12	DALE WILLES dba MI AMOR MORTGAGE,	)	NO. H-5289 SAC
13	dba MI AMOR REALTY, and formerly dba	)	<u>ACCUSATION</u>
14	CITIQUEST REALTY, and	)	
15	ANTONIO GARNICA TORRES,	)	
16		)	
	Respondents.	)	

17 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
18 of the State of California, for Causes of Accusation against DALE WILLES, doing business  
19 under the fictitious names of MI AMOR MORTGAGE and MI AMOR REALTY, and formerly  
20 doing business under the fictitious name of CITIQUEST REALTY, and against ANTONIO  
21 GARNICA TORRES, is informed and alleges as follows:

22 1

23 Respondent DALE WILLES (hereinafter "Respondent WILLES"), and  
24 Respondent ANTONIO GARNICA TORRES (hereinafter "Respondent TORRES") are  
25 presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of  
26 the California Business and Professions Code (hereinafter "the Code").

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The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

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At all times herein mentioned, Respondent WILLES was and is licensed by the Department of Real Estate (hereinafter "the Department") as a real estate broker.

4

At all times herein mentioned, Respondent TORRES was and is licensed by the Department as a real estate salesperson.

5

At all times herein mentioned, Jeremy Todd Willes was licensed as a real estate salesperson in the employ of Respondent WILLES until the license of Jeremy Todd Willes was revoked effective August 4, 2007, by the Department of Real Estate in case number H-4869 SAC, for violating Sections 490 and 10177(b) of the Code.

6

At all times herein mentioned, Respondent WILLES and Respondent TORRES and Jeremy Todd Willes engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Sections 10131(a) and 10131(d) of the Code, including:

- (1) On behalf of others, for compensation or in expectation of compensation, Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchases of, solicited or obtained listings of, and/or negotiated the purchase or sale of real property; and,
- (2) On behalf of others, for compensation or in expectation of compensation, Respondents solicited borrowers or lenders for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in

1 connection with loans secured directly or collaterally by liens on real property or  
2 on a business opportunity.

3 FIRST CAUSE OF ACTION

4 7

5 There is hereby incorporated in this First, separate and distinct, Cause of Action,  
6 all of the allegations contained in Paragraphs 1 through 6, inclusive, of the Accusation with the  
7 same force and effect as if herein fully set forth.

8 8

9 Within the three-year period prior to the filing of this Accusation, Respondent  
10 TORRES and Jeremy Todd Willes, in the course and scope of conducting the activities set forth  
11 in Paragraph 6, above:

12 (a) Induced Argent Mortgage to make two loans, respectively, of  
13 \$336,000.00 and \$84,000.00 to be secured by real property at 2811 Meadowland Way, Lincoln,  
14 California, to finance the purchase of said real property by Heidi Willes, by representing to the  
15 lender, contrary to fact, as Respondents knew or should have known at the time through the  
16 exercise of reasonable diligence, that said borrower intended to occupy said real property as her  
17 primary residence, and by concealing from said lender the fact, as Respondents knew or should  
18 have known at the time through the exercise of reasonable diligence, that Heidi Willes was  
19 simultaneously applying for and obtaining and/or had obtained mortgage loan obligations to  
20 other lenders to finance the purchase of other real properties that said borrower was also  
21 claiming as her primary residence, as follows:

22 Lender	Property	Loan Amount	Loan Application	Purchase Contract	Escrow Close
23 American Brokers Conduit	8109 Warmuth Court Antelope, California	\$351,500	11/15/06	11/7/06	1/19/07
24 CMG Mortgage Inc.	1677 Jasmine Way Lincoln, California	\$328,000 \$ 82,000	11/15/06	11/20/06	12/21/06

1 (b) American Brokers Conduit to make a loan in the sum of \$351,500.00 to  
 2 be secured by real property at 8109 Warmuth Court, Antelope, California, to finance the  
 3 purchase of said real property by Heidi Willes, by representing to the lender, contrary to fact, as  
 4 Respondents knew or should have known at the time through the exercise of reasonable  
 5 diligence, that said borrower intended to occupy said real property as her primary residence, and  
 6 by concealing from said lender the fact, as Respondents knew or should have known at the time  
 7 through the exercise of reasonable diligence, that Heidi Willes was simultaneously applying for  
 8 and obtaining and/or had obtained mortgage loan obligations to other lenders to finance the  
 9 purchase of other real properties that said borrower was also claiming as her primary residence,  
 10 as follows:

11 Lender	Property	Loan Amount	Loan Application	Purchase Contract	Escrow Close
12 Argent Mortgage	2811 Meadowland Way Lincoln, California	\$336,000 \$ 84,000	11/15/06	11/4/06	12/8/06
14 CMG 15 Mortgage Inc.	1677 Jasmine Way Lincoln, California	\$328,000 \$ 82,000	11/15/06	11/20/06	12/21/06

16 (c) Induced CMG Mortgage Inc., to make two loans, respectively, of  
 17 \$328,000.00 and \$82,000.00 to be secured by real property at 1677 Jasmine Way, Lincoln,  
 18 California, to finance the purchase of said real property by Heidi Willes, by representing to the  
 19 lender, contrary to fact, as Respondents knew or should have known at the time through the  
 20 exercise of reasonable diligence, that said borrower intended to occupy said real property as her  
 21 primary residence, and by concealing from said lender the fact, as Respondents knew or should  
 22 have known at the time through the exercise of reasonable diligence, that Heidi Willes was  
 23 simultaneously applying for and obtaining and/or had obtained mortgage loan obligations to  
 24 other lenders to finance the purchase of other real properties that said borrower was also  
 25 claiming as her primary residence, as follows:

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Lender	Property	Loan Amount	Loan Application	Purchase Contract	Escrow Close
Argent Mortgage	2811 Meadowland Way Lincoln, California	\$336,000 \$ 84,000	11/15/06	11/4/06	12/8/06
American Brokers Conduit	8109 Warmuth Court Antelope, California	\$351,500	11/15/06	11/7/06	1/19/07

8

The acts and/or omissions of Respondent TORRES and of Jeremy Todd Willes described in Paragraph 8, above, constituted substantial misrepresentations, fraud, and dishonest dealing.

9

The acts and/or omissions of Respondent TORRES as alleged in Paragraphs 7 and 8, above, constitute grounds for the revocation or suspension of Respondent's license and/or license rights under Sections 10176(a), 10176(c), 10176(i), 10177(g) and/or 10177(j) of the Code.

SECOND CAUSE OF ACTION

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There is hereby incorporated in this Second, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 9, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

11

At all times herein mentioned, Respondent WILLES was responsible, as the licensed employing broker of Respondent TORRES and of Jeremy Todd Willes for the supervision and control of the activities conducted on his behalf by said licensed salesperson employees. Respondent WILLES failed to exercise reasonable supervision and control over the mortgage brokering and real property sales activities of Respondent TORRES and Jeremy Todd Willes. In particular, Respondent WILLES permitted, ratified and/or caused the conduct described in the First Cause of Action, above, to occur, and failed to take reasonable steps,

1 including, but not limited to the review of loan applications and transactional documents,  
2 supervision of employees, and the implementation of policies, rules, procedures, and systems to  
3 ensure the compliance of the corporation with the Real Estate Law.

5 The above acts and/or omissions of Respondent WILLES constitute grounds for  
6 the revocation or suspension of Respondent WILLES' licenses and/or license rights under the  
7 provisions of Section 10177(h) of the Code and Section 2725 of the Regulations in conjunction  
8 with Section 10177(d) of the Code.

9 WHEREFORE, Complainant prays that a hearing be conducted on the  
10 allegations of this Accusation and that upon proof thereof a decision be rendered imposing  
11 disciplinary action against all license(s) and license rights of Respondents under the Real Estate  
12 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further  
13 relief as may be proper under other provisions of law.

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16 TRICIA D. SOMMERS  
17 Deputy Commissioner  
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19 Dated at Sacramento, California  
20 this 23rd day of October, 2009