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FILED

APR 27 2023

DEPARTMENT OF REAL ESTATE
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-7220 SAC
13 JORGE SOTO,)
14 Respondent.) ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator
16 of the State of California for cause of Accusation against JORGE SOTO (RESPONDENT), is
17 informed and alleges as follows:

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19 The Complainant makes this Accusation in her official capacity.

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21 At all times herein mentioned, Respondent was and is presently licensed and/or
22 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (the Code) by the Department of Real Estate (the Department) as a real estate
24 salesperson.

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26 At all times mentioned, RESPONDENT engaged in the business of, acted in the
27 capacity of, advertised or assumed to act as a real estate broker in the State of California, within

1 the meaning of Section 10131(a) of the Code, including the operation and conduct of a
2 residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited
3 or obtained listings of, and negotiated the purchase, sale or exchange of real property or business
4 opportunities, all for or in expectation of compensation.

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6 At all times mentioned herein, Respondent was a shareholder and officer of Aztec
7 Lion Corporation (Aztec).

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9 On or about October 7, 2019, a deed of trust in the amount of \$82,000 was
10 recorded; wherein Rio Verde LLC was the trustor and Aztec was the lender 202 Mesa Verde St.,
11 Vallejo, California (Subject Property).

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13 On or about March 13, 2020 Respondent entered a Residential Listing Agreement
14 for the Subject Property.

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16 On or about March 27, 2020, Gary G. (Buyer), through his real estate salesperson,
17 Max Manatt (Manatt), sent a Residential Purchase Agreement for the Subject Property to
18 Respondent.

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20 On or about March 27, 2020, Respondent signed the Transfer Disclosure
21 Statement (TDS), and Agent Visual Inspection Disclosure (AVID). Neither the TDS nor the
22 AVID disclosed that the Subject Property had renovations that were completed without permits.
23 Also on that day, Rio Verde owner, Mauricio Midence (Midence), signed the Seller Property
24 Questionnaire (SPQ). The SPQ failed to disclose that renovations were completed without
25 permits. These three documents were emailed by Respondent to Buyer's agent, Manatt.

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On or about April 13, 2020, Respondent emailed Manatt with a revised disclosure that the Subject Property did not have central air.

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On May 7, 2020, Escrow closed on the Subject Property.

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Approximately six (6) months after the close of escrow, Buyer began the process of converting part of the Subject Property and contacted the City of Vallejo for guidance on how to proceed. The inspector for the City of Vallejo advised Buyer that the Subject Property had renovations that were not permitted.

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While Respondent when confronted asserted that he verbally told Manatt that the Subject Property had unpermitted work done, Manatt will testify that no such conversation occurred and that nowhere is that fact indicated in the disclosures.

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The representations/ and or omissions that RESPONDENT made above were untrue, and RESPONDENT knew them to be untrue at the time he made them and were made for the purpose of gaining a commission from Buyer.

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The facts alleged above violate Sections 10176(a) (material misrepresentation) 10176(b) (false promises to influence, persuade, or induce), 10176(i) (other conduct/fraud or dishonest dealing), 10177(d) (violate real estate law), 10177(g) (negligence/incompetence licensee) and 10177(j) (other conduct that constitutes fraud or dishonest dealing) of the Code and are grounds for the suspension or revocation of the licenses and license rights of Respondent under Sections 10176(a), 10176(b), 10176(i), 10177(d), 10177(g) and 10177(j) of the Code.

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that, upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code and for such other and further relief as may be proper under other provisions of law.


TRICIA D. PARKHURST
Supervising Special Investigator

Dated at Sacramento, California,
this 24th day of April, 2023.

DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.