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FILED

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BUREAU OF REAL ESTATE

By B. Nicholas

8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13) NO. H- 11934 SF
14 SOCOPROPMGT, INC,)
15 CHRISTOPHER SANCHEZ and)
16 NATRICIA AILEEN COMPANEY,) ACCUSATION
Respondents.)

17 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
18 State of California, for Accusation against Respondents SOCOPROPMGT, INC (SCPM),
19 CHRISTOPHER SANCHEZ (SANCHEZ) and NATRICIA AILEEN COMPANEY
20 (COMPANEY), collectively (Respondents), is informed and alleges as follows:

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22 The Complainant makes this Accusation against Respondents in her official
23 capacity.

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25 At all times mentioned herein SCPM is presently licensed by the Bureau and/or
26 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
27 Professions Code (the Code), as a corporate real estate broker.

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At all times mentioned herein SANCHEZ was licensed by the Bureau as a real estate broker and as the Designated Officer of SCPM.

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At all times mentioned herein COMPANEY was licensed by the Bureau as a real estate salesperson and was employed by SCPM.

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At all times herein mentioned, SANCHEZ was licensed by the Bureau as the designated broker/officer of SCPM. As the designated broker/officer, SANCHEZ 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 SCPM for which a real estate license is required.

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On or about January 20, 2004, Oscar Manuel Rodriguez-Lopez (Lopez) was issued a real estate salesperson by the Bureau.

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Effective July 19, 2010, in Case No. H-5253 SAC, the Commissioner issued an Order revoking the real estate salesperson license of Lopez. Effective December 16, 2013, the Commissioner denied Lopez' Petition for Reinstatement.

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On or about September 9, 2013, In Case No. H-11586 SF, the Commissioner issued an Order against Lopez to immediately Desist and Refrain from "Performing any and all acts within the State of California for which a real estate salesperson or broker license is required, unless and until he obtains a real estate salesperson or broker license.

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In or around April of 2014, Lopez formed a California Corporation named SoCoPropMgt, Inc. (SCPM) to conduct property management activities. Christopher Sanchez was the Designated Officer for SCPM. COMPANEY is owner of twenty (20) percent of the shares of SCPM and is also a personal friend of Lopez.

At all times mentioned, Respondents and Lopez engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business wherein Respondents and Lopez leased, rented, or offered to lease or rent, solicited listings for lease or rent, collected rents from tenants or lessees, or performed other services for real property owners and tenants or lessees, all for or in expectation of compensation.

FIRST CAUSE OF ACTION

Complainant refers to, and incorporates herein, Paragraphs 1 through 10, above.

Beginning on or about April 1, 2014, and continuing until at least December 31, 2015, Lopez collected rents from tenants, including but not limited to Michael W. at 8514 Lincoln Way, Rohnert Park, California and Rodrigo O. at 904 Civic Center, Rohnert Park, California.

Beginning on or about April 1, 2014, and continuing until at least December 31, 2015, Lopez, on behalf of SCPM, negotiated property management agreements and solicited property owners to act as their property manager, including, but not limited to Linda L., who owned 824 Liana Court, Rohnert Park, California.

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Beginning on or about April 1, 2014, and continuing until at least December 31, 2015, Lopez, on behalf of SCPM, solicited property owners who were clients of Pacific Property to hire him to conduct property management activities. Lopez worked for Pacific Property immediately before he formed SCPM.

Edward Dorsaneo (Dorsaneo), a private investigator hired by John Boss, who owns Pacific Property, conducted an investigation of Lopez' business activities. While posing as a prospective property management client, Dorsaneo met with Lopez and SANCHEZ. Lopez explained the terms and conditions under which his company, SCPM, would act as property manager, including the fee of six (6) percent and that rents would generally range between \$1,900.00 and \$2,800.00 per month.

The activities of Lopez, as described in Paragraphs 1 through 15, above, constitute property management activities which require a license under the provisions of Code Sections 10131(b), during a period of time when Lopez was not licensed by the Bureau of Real Estate in any capacity, in violation of Code Section 10130. As to SCPM and SANCHEZ, the activities as described in Paragraphs 1 through 15, above, constitute violations of and are grounds for discipline under Sections 10137(compensating unlicensed person) in conjunction with 10177(d) (willful disregard of Real Estate Law), 10176(a) (substantial misrepresentation), 10176(c) (continued flagrant course of misrepresentation) and 10176(i) (other conduct constituting fraud or dishonest dealing) of the Code.

SECOND CAUSE OF ACTION

Complainant refers to and incorporates herein, Paragraphs 1 through 16, above.

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2 On or about October 31, 2014, SANCHEZ filed a Corporate License Application
3 (Application) with the Bureau, as Designated Officer for SCPM.

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5 On the Application, SANCHEZ certified that he understood the provisions of
6 Regulation 2746, and that a Corporation Background Statement was not needed for anyone
7 owning ten (10) percent or more of the corporation. SANCHEZ failed to disclose that Lopez was
8 an officer, director or that Lopez owned eighty (80) percent of the shares of SCPM.

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10 On or about April 14, 2014, SANCHEZ filed a Statement of Information
11 (Statement) for SCPM with the California Secretary of State. In that Statement, SANCHEZ
12 listed Lopez as the Chief Executive Officer.

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14 On or about January 20, 2015, SANCHEZ told Investigators that Lopez owned
15 eighty (80%) percent of the shares of SCPM.

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17 The facts stated in Paragraphs 19 through 21, above, constitute a violation of
18 Section 2746 of the Regulations and are grounds for discipline of SANCHEZ' real estate license
19 under Section 10177(a) (procure license by fraud, misrepresentation or deceit) of the Code.

20 THIRD CAUSE OF ACTION

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22 Respondent refers to and incorporates herein, Paragraphs 1 through 22, above.

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24 On or about September 3, 2015, through November 2, 2015, at SCPM's main
25 office at 5212 Country Club Drive, Rohnert Park, California and at the Bureau's Oakland District
26 Office, located at 1515 Clay Street, Oakland, California 94612, an audit was conducted of

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1 SCPM's property management activities for the period of February 12, 2015, through August 12,
2 2015.

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4 SCPM maintained bank accounts at JP Morgan Chase Bank, NA, in Rohnert Park,
5 including: Trust Account No. 1, "SoCoPropMgt, Inc DBA Sonoma County Property Rentals-
6 Property Management Trust Account", No. XXXXX8723; Bank Account No. 1, "SoCoPropMgt
7 Inc. DBA Sonoma County Property Rentals-Operating Account", No. XXXXX1165 and from
8 time to time deposited trust funds into these accounts.

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10 During the audit, it was revealed that:

- 11 (a) SCPM failed to designate Bank Account #1 as a trust account as required by
12 Section 2832 of the Regulations;
- 13 (b) During an accountability performed on Trust Account #1, and as of July 31,
14 2014, a shortage of \$42.58 was revealed, in violation of Section 10145 of the
15 Code;
- 16 (c) SCPM failed to obtain written permission from owners of trust funds in Trust
17 Account #1 to allow the balance to drop below accountability, in violation of
18 Section 2832.1 of the Regulations and
- 19 (d) SCPM deposited trust funds into Bank Account #1, thereby mixing trust funds
20 with non-trust funds in violation of Section 10176(e) of the Code.

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22 The acts and/or omissions of SCPM describe above constitute violations of
23 Sections 2832 and 2832.1 of the Regulations and Sections 10145 and 10176(e) of the Code and
24 are grounds for discipline under Sections 10176(e), 10177(d) (willful/disregard of Real Estate
25 Law) and 10177(g) (negligence/incompetence of licensee) of the Code.

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1 FOURTH CAUSE OF ACTION

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3 Complainant refers to and incorporates herein Paragraphs 1 through 27, above.

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5 At all times herein above mentioned, SANCHEZ was responsible as the designated
6 officer for SCPM, for the supervision and control of the activities conducted on behalf of
7 SCPM'S business by its employees. SANCHEZ failed to exercise reasonable supervision and
8 control over the real estate activities of SCPM. In particular, SANCHEZ permitted, ratified
9 and/or caused the conduct described above, to occur, and failed to take reasonable steps,
10 including but not limited to handling of trust funds, supervision of employees, and the
11 implementation of policies, rules, and systems to ensure the compliance of the business with the
12 Real Estate Law and the Regulations.

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14 The above acts and/or omissions of SANCHEZ violate Section 10159.2
15 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the
16 Regulations and constitute grounds for disciplinary action under the provisions of Section
17 10177(d) (willful disregard/violation of Real Estate Law) and 10177(h) (broker supervision) of
18 the Code.

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20 Section 10106 of the Code provides, in pertinent part, that in any order issued
21 in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
22 administrative law judge to direct a licensee found to have committed a violation of this part to
23 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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