

FILED
JUL 10 2008
DEPARTMENT OF REAL ESTATE

By K. M. Waddell

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) NO. H-32947 LA
)
)
HAYDEE JEREZ VERDUGO,)
)
)
Respondent.)
)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 23, 2006, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent HAYDEE JEREZ VERDUGO's express admissions; (2) affidavits; and (3) Department Audit Report and (4) other evidence.

FACTUAL FINDINGS

1.

On May 30, 2006, Janice Waddell made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent HAYDEE JEREZ VERDUGO, and a Notice of Defense was mailed by certified mail on May 31, 2006.

2.

On June 23, 2006, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent HAYDEE JEREZ VERDUGO ("VERDUGO") is a real estate broker. VERDUGO was originally licensed as a real estate broker of the Department of Real Estate ("Department") on May 8, 1997.

4.

At all times mentioned, in the City of Palm Desert, County of Riverside, VERDUGO acted as a real estate broker and conducted licensed activities within the meaning of Code Section 10131(a). VERDUGO operated a residential resale and vacant land sales brokerage.

FIRST CAUSE OF ACTION
(Audit violations)

5.

On January 27, 2005, the Department completed an audit examination of the books and records of VERDUGO pertaining to the residential resale and vacant land sales activities described in Paragraph 4 that require a real estate license. The audit examination covered a period of time beginning on June 1, 2003 to October 31, 2004. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 040065 and the exhibits and workpapers attached to said audit report.

TRUST ACCOUNT

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, VERDUGO accepted or received funds in trust from or on behalf of purchasers and sellers of vacant land and thereafter made disposition of such funds. VERDUGO maintained the following trust account during the audit period into

which were deposited certain of these funds at:
"Haydee J. Verdugo Brokers Trust Account (trust account)
Account No. 09165-08164"
Bank of America
81800 Highway 111
Indio, California

CAUSES FOR DISCIPLINE

Audit Report
LA 040065

7.

In the course of activities described in Paragraphs 4 and 6 above, and during the examination period described in Paragraph 5, it is alleged that VERDUGO:

(a) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds including earnest money deposits received for the purchase and sale of vacant land, deposited and disbursed, as required by and in violation of Code Section 10145 and Regulation 2831.

(b) Failed to maintain a separate record for each beneficiary or transaction, thereby failing to account for all trust funds received, deposited into, and disbursed from the trust account for purchase and sale of vacant land, as required by and in violation of Code Section 10145 and Regulation 2831.1.

(c) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Regulation 2831.1 with the control record of all trust funds received by and disbursed from the trust account for purchase and sale of vacant land, as required by Regulation 2831, and in violation of Code Section 10145 and Regulation 2831.2.

Negligence

8.

The overall conduct of Respondent VERDUGO constitutes negligence.

(Fraud and Dishonest Dealing)

9.

VERDUGO accepted earnest money deposits for purchasers of vacant land in the amounts set forth below. Upon cancellation of these purchase transactions, VERDUGO, failed to return the purchaser's earnest money deposits.

<u>PURCHASERS</u>	<u>TRANSACTION DATE</u>	<u>EARNEST MONEY DEPOSIT</u>
Clement Lopez	October 5, 2005	\$10,000.00
Valentin Ruiz	October 5, 2005	\$ 5,000.00
Velentin Perez	October 3, 2005	\$ 5,000.00
Jose Luiz Ochoa	September 28, 2005	\$ 5,000.00
Jose Esparza	October 13, 2005	\$ 5,000.00
Raul Gonzalez	October 3, 2005	\$ 5,000.00
Patricia/Erick Sanchez	October 24, 2005	\$ 5,000.00
Emilio Godina	October 17, 2005	\$10,000.00
Julian Rosas	October 13, 2005	\$ 5,000.00
Celia Leal	December 13, 2005	\$ 5,000.00
Jorge Mayorga/M. Valdez	December 14, 2005	\$10,000.00
Francisco Sanchez	December 16, 2005	\$19,000.00
Rafael/David Ochoa	September 29, 2005	\$10,000.00
Florentino/M.Rosales	January 4, 2006	\$15,000.00

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent HAYDEE JEREZ VERDUGO as described in Finding 7(a), herein above, are in violation of Business and Professions Code ("Code") Section 10145 and Title 10, Chapter 6, of the California Code of Regulations ("Regulations") 2831.

2.

The conduct, acts and/or omissions of Respondent HAYDEE JEREZ VERDUGO as described in Finding 7(b), herein above, are in violation of Code Section 10145 and Regulation 2831.1.

3.

The conduct, acts and/or omissions of Respondent HAYDEE JEREZ VERDUGO as described in Finding 7(c), herein above, are in violation of Code Section 10145 and Regulation 2831.2.

4.

The conduct, acts and/or omissions of Respondent HAYDEE JEREZ VERDUGO as described in Finding 8, herein above, are in violation of Code Section 10177(g).

5.

The conduct, acts and/or omissions of Respondent HAYDEE JEREZ VERDUGO as described in Finding 9, herein above, are in violation of Code Section 10176(i).

6.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

7.

Cause for disciplinary action against Respondent exists pursuant to Code Sections 10177(d), 10176(i) and 10177(g).

ORDER

The license and license rights of Respondent HAYDEE JEREZ VERDUGO under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JUL 31, 2006.

DATED: 7-6, 2006.

JEFF DAVI
Real Estate Commissioner



FILED
JUN 23 2008
DEPARTMENT OF REAL ESTATE

By R. Mederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-32947 LA

HAYDEE JEREZ VERDUGO,)

Respondent.)

DEFAULT ORDER

Respondent HAYDEE JEREZ VERDUGO, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

JUNE 23, 2006

JEFF DAVIS
Real Estate Commissioner

By: Phillip Ihde
PHILLIP IHDE
Regional Manager

*facts
file*

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED
MAY 31 2008
DEPARTMENT OF REAL ESTATE

By *K. M. Decker*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

HAYDEE JEREZ VERDUGO,

Respondent.

No. H-32947 LA

A C C U S A T I O N

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against HAYDEE JEREZ VERDUGO ("VERDUGO"), alleges as follows:

1.

The Complainant, Janice Waddell, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California makes this Accusation against VERDUGO.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

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LICENSE HISTORY

3.

At all times mentioned, VERDUGO was licensed or had license rights issued by the Department of Real Estate (Department) as a real estate broker. On May 8, 1997, VERDUGO was originally licensed as a real estate broker and she was originally licensed as a real estate salesperson on January 3, 1991.

BROKERAGE

4.

At all times mentioned, in the City of Palm Desert, County of Riverside, VERDUGO acted as a real estate broker and conducted licensed activities within the meaning of Code Section 10131(a). VERDUGO operated a residential resale and vacant land sales brokerage.

FIRST CAUSE OF ACTION

(Audit violations)

5.

On January 27, 2005, the Department completed an audit examination of the books and records of VERDUGO pertaining to the residential resale and vacant land sales activities described in Paragraph 4 that require a real estate license. The audit examination covered a period of time beginning on June 1, 2003 to October 31, 2004. The audit examination revealed violations of the Code and the Regulations as set forth in the following

1 paragraphs, and more fully discussed in Audit Report LA 040065
2 and the exhibits and workpapers attached to said audit report.

3 TRUST ACCOUNT

4 6.

5 At all times mentioned, in connection with the
6 activities described in Paragraph 4, above, VERDUGO accepted or
7 received funds in trust from or on behalf of purchasers and
8 sellers of vacant land and thereafter made disposition of such
9 funds. VERDUGO maintained the following trust account during the
10 audit period into which were deposited certain of these funds at:

11 "Haydee J. Verdugo Brokers Trust Account (trust account)
12 Account No. 09165-08164"
13 Bank of America
14 81800 Highway 111
Indio, California

15 CAUSES FOR DISCIPLINE

16 7.

17 In the course of activities described in Paragraphs 4
18 and 6 above, and during the examination period described in
19 Paragraph 5, it is alleged that VERDUGO:

20 (a) Failed to maintain a control record in the form of
21 a columnar record in chronological order of all trust funds
22 including earnest money deposits received for the purchase and
23 sale of vacant land, deposited and disbursed, as required by and
24 in violation of Code Section 10145 and Regulation 2831.

25 (b) Failed to maintain a separate record for each
26 beneficiary or transaction, thereby failing to account for all
27

1 trust funds received, deposited into, and disbursed from the
2 trust account for purchase and sale of vacant land, as required
3 by and in violation of Code Section 10145 and Regulation 2831.1.

4 (c) Failed to perform a monthly reconciliation of the
5 balance of all separate beneficiary or transaction records
6 maintained pursuant to Regulation 2831.1 with the control record
7 of all trust funds received by and disbursed from the trust
8 account for purchase and sale of vacant land, as required by
9 Regulation 2831, and in violation of Code Section 10145 and
10 Regulation 2831.2.

11 VIOLATIONS OF REAL ESTATE LAW

12 8.

13 The conduct of Respondent VERDUGO, described in
14 Paragraph 7, above, violated the Code and the Regulations as set
15 forth below:

16 <u>PARAGRAPH</u>	17 <u>PROVISIONS VIOLATED</u>
18 7(a)	Code Section 10145 and Regulation 2831
19	
20 7(b)	Code Section 10145 and Regulation 2831.1
21	
22 7(c)	Code Section 10145 and Regulation 2831.2
23	

24 The foregoing violations constitute cause for the suspension or
25 revocation of the real estate license and license rights of
26 VERDUGO under the provisions of Code Sections 10165, 10177(d)
27 and/or 10177(g).

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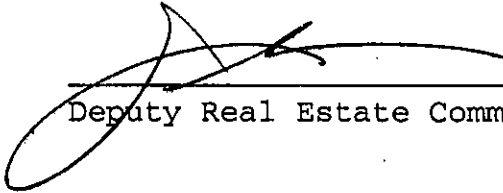
1 Jorge Mayorga/M. Valdez December 14, 2005 \$10,000.00
2 Francisco Sanchez December 16, 2005 \$19,000.00
3 Rafael/David Ochoa September 29, 2005 \$10,000.00
4 Florentino/M.Rosales January 4, 2006 \$15,000.00

5 This conduct constitutes fraud and dishonest dealing
6 and is cause for the suspension or revocation of the real estate
7 license and license rights of Respondent VERDUGO pursuant to Code
8 Section 10176(i).

9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against the license and license rights of Respondent
13 HAYDEE JEREZ VERDUGO, under the Real Estate Law (Part 1 of
14 Division 4 of the Business and Professions Code) and for such
15 other and further relief as may be proper under other applicable
16 provisions of law.
17

18 Dated at Los Angeles, California

19 this *30 May 2006*

20
21 
22 Deputy Real Estate Commissioner
23

24 cc: Haydee Jerez Verdugo
25 Janice Waddell
26 Al Kishiyama
27 Sacto
LA Audits - Rolly Acuna