

FILED
MAR 30 2009
DEPARTMENT OF REAL ESTATE

James B. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
AMERIPROP ENTERPRISES, INC.,)	No. H-35411 LA
and CARLOS FREDERICO GUZMAN,)	
individually and as designated)	
Broker-officer of)	
Ameriprop Enterprises, Inc.,)	
)	
Respondents.)	
)	

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 January 27, 2009, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On or about October 22, 2008, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent CARLOS FREDERICO GUZMAN at his last known mailing address on file with the Department at 305 W. Olive Ave. #4, Redlands, CA 92373, and returned by the post office marked, "Unclaimed," and "Notify Sender of New Address, 2200 W. Wilson St. SPC 14, Banning, CA 92220-3952." On November 19, 2008, the Accusation

and related documents set forth above were mailed to Respondent at the address in Banning provided by the post office. No Notice of Defense has been received from Respondent CARLOS FREDERICO GUZMAN.

On January 27, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent GUZMAN's default was entered herein.

2.

On or about October 22, 2008, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent AMERIPROP ENTERPRISES INC. at its last known mailing address on file with the Department at 5325 Holt Blvd., Montclair, CA 91763. This mailing was returned by the post office as undeliverable. No Notice of Defense has been received from Respondent AMERIPROP ENTERPRISES INC.

On January 27, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent AMERIPROP ENTERPRISES INC.'s default was entered herein.

3.

Respondent AMERIPROP ENTERPRISES INC., dba American Lending & Associates (hereinafter "AMERIPROP"), is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a corporate real estate broker. Respondent AMERIPROP has been licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker since on or about April 29, 2002. Respondent AMERIPROP is a California corporation. Lourdes Barahona is the President of AMERIPROP, and William Barahona is the agent for service of process on file with the Secretary of State's office.

4.

From on or about April 29, 2002, and continuing through on or about August 27, 2007, Respondent AMERIPROP was authorized to act by and through Respondent CARLOS FREDERICO

GUZMAN as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2, for the supervision and control of the activities conducted on behalf of AMERIPROP by AMERIPROP's officers and employees. Beginning on or about February 13, 2007, and continuing through on or about June 19, 2007, Respondent AMERIPROP was also authorized to act by and through Respondent Robert L. Ortiz as its designated broker-officer. AMERIPROP does not currently have a licensed designated broker-officer.

5.

Respondent CARLOS FREDERICO GUZMAN (hereinafter "GUZMAN"), is licensed under the Code as a restricted salesperson. Beginning on or about January 4, 1973 and continuing through on or about August 27, 2007, Respondent GUZMAN was licensed as a real estate broker. Between on or about April 29, 2002 and August 27, 2007, Respondent GUZMAN was the broker-officer designated pursuant to Business and Professions Code Section 10159.2 to be responsible for the supervision and control of the activities conducted on behalf of AMERIPROP by AMERIPROP's officers and employees.

6.

Effective on or about August 27, 2007, pursuant to the Commissioner's Order in Department Case No. H-32732 LA, Respondent GUZMAN's real estate broker license was revoked, and a restricted salesperson license was issued.

7.

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Code Section 10131(d), for another or others in expectation of compensation. Said activity included representing borrowers and lenders of loans secured by real property, and performing loan servicing and escrow activities in relation to those loans pursuant to the exemption set forth in Financial Code Section 17006(a)(4).

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8.

All further references to "Respondents" include the individuals and entities listed in Findings 3 through 7 above, and also include the employees, agents and real estate licensees employed by or associated with each Respondent, who at all times material herein were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority, agency or employment.

9.

During the period between June 1, 2005 and May 31, 2007, in connection with the aforesaid real estate mortgage loan activities, Respondents accepted or received funds, including funds in trust (hereinafter "trust funds") from or on behalf of actual and prospective lenders and borrowers on loans secured by real property, and made deposits and/or disbursements of such funds. In connection with the mortgage loan brokering activities, Respondents did not maintain a trust account during the audit period.

10.

On or about August 7, 2007, the Department completed its examination of Respondent AMERIPROP's books and records pertaining to the real estate activities described in Findings 7 and 9 above, covering a period from approximately June 1, 2005 to May 31, 2007. The primary purpose of the examination was to determine Respondent's compliance with the Real Estate Law. The examination, Audit No. LA 060309, revealed violations of the Code, and of Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations"), as set forth below and as more specifically set forth in the Audit Report and Exhibits attached thereto.

11.

In the course of activities described in Findings 7 and 9 above, and during the examination period described in Finding 10, Respondents acted in violation of the Code and the Regulations in that:

a) Respondents collected trust funds in the form of credit report fees from lenders on behalf of the borrowers and deposited such funds into the general account, then made payments to the service providers from the general account. In

four sampled transactions, Respondents charged the borrowers for credit report fees in excess of the amount billed by the credit reporting company and there was no evidence that Respondents disclosed the extra fees to the borrowers. The following are examples:

<u>Borrower</u>	<u>Date Rec'd</u>	<u>Credit Rept. Fees Collected</u>	<u>Invoice Amt.</u>	<u>Amt. Over</u>
Jorge Lopez	5/5/06	\$ 30.66	\$ 23.33	\$ 7.33
G. Gonzalez	8/29/05	\$ 17.00	\$ 14.60	\$ 2.40
Rosa Ramirez	10/14/05	\$ 17.00	\$ 14.60	\$ 2.40
Carlos Garcia	7/11/05	\$ 17.00	\$ 15.20	\$ 1.80
E. Gonzalez	6/20/05	\$ 17.00	\$ 14.60	\$ 2.40
J. Nunez	1/31/06	\$375.00	\$350.00	\$25.00
		\$473.66	\$432.00	\$41.33

Commingling of trust funds with general funds was in violation of Code Sections 10145 and 10176(e) and Regulation 2832. Failure to disclose the amount of fees collected in excess of what was charged constituted a secret profit or undisclosed compensation, in violation of Code Section 10176(g).

b). Respondents received appraisal fees from escrow companies that were charged to the borrowers. Said appraisal fees were deposited into Respondent AMERIPROP's business account and commingled with AMERIPROP's funds. AMERIPROP could not provide any records during the examination to show the payments were made to the appraisers or that funds were returned to the borrowers. The following loan transactions are examples:

<u>Borrower</u>	<u>Amt. Collected</u>	<u>Date Deposited into AMERIPROP Acct.</u>
J. Ramirez	\$ 600.00	11/06/06
G. Gonzalez	\$ 375.00	08/29/05
J. Flores	\$ 375.00	07/21/06
\$1,350.00		

Commingling of trust funds with general funds was in violation of Code Sections 10145 and 10176(e) and Regulation

2832. Misappropriating trust funds for personal use is in violation of Code Section 10176(i).

c) Respondents did not maintain a columnar record for the credit report and appraisal fees that were collected from escrow companies, in violation of Code Section 10145 and Regulation 2831.

d) Respondents did not maintain a separate record for each loan transaction for the credit report and appraisal fees that were collected from escrow companies, in violation of Code Section 10145 and Regulation 2831.1.

e) In files in which the MLDS was provided, Respondents failed to disclose the corporate real estate broker license number, in violation of Code Section 10236.4.

12.

During the period between June 1, 2005 and May 31, 2007, in connection with the aforesaid real estate escrow activities, Respondents accepted or received funds, including trust funds from or on behalf of actual and prospective lenders and borrowers on loans secured by real property, and made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited into an account maintained by Respondents at Comerica Bank, located at 2321 Rosecrans Ave., Ste. 5000, El Segundo, CA 90245-4537, identified as: Account No. 1891983684, entitled, "Ameriprop Enterprises Inc., dba America Lending and Associates, Escrow Division Trust Account. Inc." (hereinafter referred to as "Trust Account"). During the audit period, this account was maintained for the receipts and disbursements of trust funds received in connection with Respondents' escrow activity. There were three signatories on the account, Respondent GUZMAN, Lourdes Barahona and William Barahona. One signature was required to withdraw or disburse funds from this account.

13.

On or about August 29, 2007, the Department completed its examination of Respondents' books and records pertaining to the real estate activities described in Findings 7 and 12 above, covering a period from approximately June 1, 2005 to May 31, 2007. The primary purpose of the examination was to determine Respondents' compliance with the Real Estate Law. The examination, Audit No. LA 070009, revealed violations of the

Code and Regulations, as set forth below and as more specifically set forth in the Audit Reports and Exhibits attached thereto.

14.

In the course of activities described in Findings 7 and 12 above, and during the examination period described in Finding 13, Respondents acted in violation of the Code and the Regulations in that unlicensed individuals, Lourdes Barahona and William Barahona, were authorized to sign trust account checks without fidelity bond coverage.

DETERMINATION OF ISSUES

1.

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

2.

The conduct, acts and/or omissions of Respondents AMERIPROP and GUZMAN, as described in Finding 11 above, violated the Code and Regulations in the following ways:

<u>FINDINGS</u>	<u>PROVISIONS VIOLATED</u>
11(a)	Code Sections <u>10145</u> , <u>10176(e)</u> and <u>10176(g)</u> ; and Regulation <u>2832</u> .
11(b)	Code Sections 10145, 10176(e), and <u>10176(i)</u> ; and Regulation 2832.
11(c)	Code Section 10145 and Regulation <u>2831</u> .
11(d)	Code Section 10145 and Regulation <u>2831.1</u> .
11(e)	Code Section <u>10236.4</u> .

The foregoing violations constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondent AMERIPROP and Respondent GUZMAN under the provisions of Code Sections 10177(d), 10176(e), 10176(g), 10176(i) and 10177(g).

3.

The violations set forth above in Finding 11 constitute cause for the suspension or revocation of Respondent GUZMAN's real estate license and/or license rights, as the broker-officer of Respondent AMERIPROP, for failing to supervise the activities of the corporation, in violation of Code Sections 10159.2, in conjunction with 10177(h), 10177(d) and 10177(g).

4.

The conduct, acts and/or omissions of Respondents AMERIPROP and GUZMAN, as set forth in Finding 14 above, violated Code Section 10145 and Regulations 2834 and 2951, and therefore grounds exist to discipline each Respondents' licenses and/or license rights pursuant to Business and Professions Code Section 10177(d), 10176(e), 10176(g) and/or 10177(g).

5.

The conduct, acts and/or omissions set forth in Finding 14 constitute grounds to discipline the licenses and license rights of Respondent GUZMAN for failure to supervise the activities of AMERIPROP to ensure compliance with the real estate laws, pursuant to Code Sections 10159.2, 10177(h) and/or 10177(g).

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ORDERS

1.

All licenses and license rights of Respondent AMERIPROP CORP under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

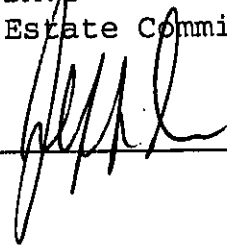
2.

All licenses and license rights of Respondent CARLOS FREDERICO GUZMAN 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 APR 20 2009.

DATED: _____

JEFF DAVIS
Real Estate Commissioner



1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, CA 90013

4 (213) 576-6982

FILED
JAN 27 2009
DEPARTMENT OF REAL ESTATE

James B. Stan

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

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10
11 In the Matter of the Accusation of) NO. H-35411 LA
12)
12 AMERIPROP ENTERPRISES INC., and) DEFAULT ORDER
13 CARLOS FREDERICO GUZMAN,)
13 individually and as designated)
14 broker-officer of Ameriprop)
14 Enterprises Inc.)
15)
15 Respondents.)
16)

17
18 Respondents AMERIPROP ENTERPRISES INC., and CARLOS
19 FREDERICO GUZMAN, having failed to file a Notice of Defense
20 within the time required by Section 11506 of the Government
21 Code, are now in default. It is, therefore, ordered that a
22 default be entered on the record in this matter.

23 IT IS SO ORDERED

January 27, 2009
JEFF DAVI

Real Estate Commissioner

24
25 By: *Dolores Weeks*

DOLORES WEEKS

Regional Manager
26
27

Sacto Jan

FILED
OCT 23 2008
DEPARTMENT OF REAL ESTATE

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013
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By *James B. Owen*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-35411 LA
)
11 AMERIPROP ENTERPRISES INC., and) A C C U S A T I O N
12 CARLOS FREDERICO GUZMAN, individually)
13 And as designated broker-officer of)
14 Ameriprop Enterprises Inc.,)
15 Respondents.)

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner, for cause of Accusation against AMERIPROP
ENTERPRISES INC., dba American Lending & Associates, and CARLOS
FREDERICO GUZMAN, individually and as designated broker-officer
of Ameriprop Enterprises Inc., is informed and alleges as
follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation in
her official capacity.

///

2.

1 Respondent AMERIPROP ENTERPRISES INC., dba American
2 Lending & Associates (hereinafter "AMERIPROP"), is presently
3 licensed and at all times relevant herein was licensed under the
4 Real Estate Law, Part 1 of Division 4 of the California Business
5 and Professions Code (hereinafter "Code") as a corporate real
6 estate broker. Respondent AMERIPROP has been licensed by the
7 Department of Real Estate of the State of California (hereinafter
8 "Department") as a corporate real estate broker since on or about
9 April 29, 2002. Lourdes Barahona is the President of AMERIPROP
10 and William Barahona is the agent for service of process on file
11 with the Secretary of State's office.
12

13 3.

14 From on or about April 29, 2002, and continuing through
15 on or about August 27, 2007, Respondent AMERIPROP was authorized
16 to act by and through Respondent CARLOS FREDERICO GUZMAN as the
17 designated officer and broker responsible, pursuant to the
18 provisions of Code Section 10159.2 for the supervision and
19 control of the activities conducted on behalf of AMERIPROP by
20 AMERIPROP's officers and employees. Beginning on or about
21 February 13, 2007 and continuing through on or about June 19,
22 2007, Respondent AMERIPROP was also authorized to act by and
23 through Respondent Robert L. Ortiz as its designated broker-
24 officer. AMERIPROP does not currently have a licensed designated
25 broker-officer.
26
27

4.

1 Respondent CARLOS FREDERICO GUZMAN (hereinafter
2 "GUZMAN"), is licensed under the Code as a restricted
3 salesperson. Beginning on or about January 4, 1973 and
4 continuing through on or about August 27, 2007, Respondent GUZMAN
5 was licensed as a real estate broker. Between on or about April
6 29, 2002 and August 27, 2007, Respondent GUZMAN was the broker-
7 officer designated pursuant to Business and Professions Code
8 Section 10159.2 to be responsible for the supervision and control
9 of the activities conducted on behalf of AMERIPROP by AMERIPROP's
10 officers and employees.
11

12 5.

13 Effective on or about August 27, 2007, pursuant to the
14 Commissioner's Order in Department Case No. H-32732 LA,
15 Respondent GUZMAN's real estate broker license was revoked, and a
16 restricted salesperson license was issued.
17

18 6.

19 At all times material herein, Respondents engaged in
20 the business of, acted in the capacity of, advertised or assumed
21 to act as real estate brokers in the State of California within
22 the meaning of Code Section 10131(d), for another or others in
23 expectation of compensation. Said activity included representing
24 borrowers and lenders of loans secured by real property and
25 performing loan servicing and escrow activities in relation to
26 those loans pursuant to the exemption set forth in Financial Code
27

1 Section 17006(a)(4).

2 7.

3 All further references to "Respondents" include the
4 individuals listed in Paragraphs 2 through 4 above as well as the
5 employees, agents and real estate licensees employed by or
6 associated with each Respondent, who at all times material herein
7 were engaged in the furtherance of the business or operations of
8 said parties and who were acting within the course and scope of
9 their authority, agency or employment.

10 FIRST CAUSE OF ACCUSATION

11 (Audit No. LA 060309)

12 8.

13 During the period between June 1, 2005 and May 31,
14 2007, in connection with the aforesaid real estate mortgage loan
15 activities, Respondents accepted or received funds, including
16 funds in trust (hereinafter "trust funds") from or on behalf of
17 actual and prospective lenders and borrowers on loans secured by
18 real property, and made deposits and/or disbursements of such
19 funds. In connection with the mortgage loan brokering
20 activities, Respondents did not maintain a trust account during
21 the audit period.
22

23 9.

24 On or about August 7, 2007, the Department completed
25 its examination of Respondent AMERIPROP's books and records
26 pertaining to the mortgage lending activities described in
27

1 Paragraphs 6 and 8 above, covering a period from approximately
 2 June 1, 2005 to May 31, 2007. The primary purpose of the
 3 examination was to determine Respondent's compliance with the
 4 Real Estate Law. The examination, Audit No. LA 060309, revealed
 5 violations of the Code, and of Title 10, Chapter 6, California
 6 Code of Regulations (hereinafter "Regulations"), as set forth
 7 below and as more specifically set forth in the Audit Report and
 8 Exhibits attached thereto.

9 10.

10 In the course of activities described in Paragraphs 6
 11 and 8 above, and during the examination period described in
 12 Paragraph 9, Respondents acted in violation of the Code and the
 13 Regulations in that:

14 a) Respondents collected trust funds in the form of
 15 credit report fees from lenders on behalf of the borrowers and
 16 deposited such funds into the general account, then made payments
 17 to the service providers from the general account. In four
 18 sampled transactions, Respondents charged the borrowers for
 19 credit report fees in excess of the amount billed by the credit
 20 reporting company and there was no evidence that Respondents
 21 disclosed the extra fees to the borrowers. The following are
 22 examples:
 23

24 <u>Borrower</u>	25 <u>Date</u> <u>Rec'd</u>	26 <u>Credit Rept.</u> <u>Fees Collected</u>	27 <u>Invoice</u> <u>Amt.</u>	<u>Amt.</u> <u>Over</u>
Jorge Lopez	5/5/06	\$ 30.66	\$ 23.33	\$ 7.33

1	G. Gonzalez	8/29/05	\$ 17.00	\$ 14.60	\$ 2.40
2	Rosa Ramirez	10/14/05	\$ 17.00	\$ 14.60	\$ 2.40
3	Carlos Garcia	7/11/05	\$ 17.00	\$ 15.20	\$ 1.80
4	E. Gonzalez	6/20/05	\$ 17.00	\$ 14.60	\$ 2.40
5	J. Nunez	1/31/06	\$375.00	\$350.00	\$25.00
6			\$473.66	\$432.00	\$41.33

7 Commingling of trust funds with general funds was in
8 violation of Code Sections 10145 and 10176(e) and Regulation
9 2832. Failure to disclose the amount of fees collected in excess
10 of what was charged constituted a secret profit or undisclosed
11 compensation, in violation of Code Section 10176(g).

12 b) Respondents received appraisal fees from escrow
13 companies that were charged to the borrowers. Said appraisal
14 fees were deposited into Respondent AMERIPROP's business account
15 and commingled with AMERIPROP's funds. AMERIPROP could not
16 provide any records during the examination to show the payments
17 were made to the appraisers or that funds were returned to the
18 borrowers. The following loan transactions are examples:

20	Borrower	Amt. Collected	Date Deposited into AMERIPROP Acct.
22	J. Ramirez	\$ 600.00	11/06/06
23	G. Gonzalez	\$ 375.00	08/29/05
24	J. Flores	\$ 375.00	07/21/06
25		\$1,350.00	

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1 Commingling of trust funds with general funds was in
2 violation of Code Sections 10145 and 10176(e) and Regulation
3 2832. Misappropriating trust funds for personal use is in
4 violation of Code Section 10176(i).

5 c) Respondents did not maintain a columnar record for
6 the credit report and appraisal fees that were collected from
7 escrow companies, in violation of Code Section 10145 and
8 Regulation 2831.

9 d) Respondents did not maintain a separate record for
10 each loan transaction for the credit report and appraisal fees
11 that were collected from escrow companies, in violation of Code
12 Section 10145 and Regulation 2831.1.

13 e) In files in which the MLDS was provided,
14 Respondents failed to disclose the corporate real estate broker
15 license number, in violation of Code Section 10236.4.

16
17 11.

18 The conduct, acts and/or omissions of Respondents, as
19 described in Paragraph 10, above, violated the Code and
20 Regulations in the following ways:

21	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
22	10(a)	Code Sections 10145, 10176(e) 23 and 10176(g); and Regulation 2832.
24	10(b)	Code Sections 10145, 25 10176(e), and 10176(i); and Regulation 2832.
26	10(c)	Code Section 10145 and 27 Regulation 2831.

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10(d) Code Section 10145 and Regulation 2831.1.

10(e) Code Section 10236.4.

The foregoing violations constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondent AMERIPROP and Respondent GUZMAN under the provisions of Code Sections 10177(d), 10176(g), 10176(e) and 10177(g).

12.

The violations set forth above constitute cause for the suspension or revocation of Respondent GUZMAN's real estate license and/or license rights, as the broker-officer of Respondent Ameriprop, for failing to supervise the activities of the corporation, in violation of Code Sections 10159.2, in conjunction with 10177(h), 10177(d) and 10177(g).

SECOND CAUSE OF ACCUSATION

(Audit No. LA 070009)

13.

During the period between June 1, 2005 and May 31, 2007, in connection with the aforesaid real estate escrow activities, Respondents accepted or received funds, including trust funds from or on behalf of actual and prospective lenders and borrowers on loans secured by real property, and made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited into an account

1 maintained by Respondents at Comerica Bank, located at 2321
2 Rosecrans Ave., Ste. 5000, El Segundo, CA 90245-4537, identified
3 as follows:

4 Account No. 1891983684, entitled, "Ameriprop
5 Engerprises Inc., dba America Lending and Associates, Escrow
6 Division Trust Account. Inc." (hereinafter referred to as "Trust
7 Account"). During the audit period, this account was maintained
8 for the receipts and disbursements of trust funds received in
9 connection with Respondents' escrow activity. There were three
10 signatories on the account, Respondent GUZAMAN, Lourdes Barahona
11 and William Barahona. One signature was required to withdraw or
12 disburse funds from this account.

13
14 14.

15 On or about August 29, 2007, the Department completed
16 its examination of Respondents' books and records pertaining to
17 the real estate activities described in Paragraphs 6 and 13
18 above, covering a period from approximately June 1, 2005 to May
19 31, 2007. The primary purpose of the examination was to
20 determine Respondents' compliance with the Real Estate Law. The
21 examination, Audit No. LA 070009, revealed violations of the Code
22 and Regulations, as set forth below and as more specifically set
23 forth in the Audit Reports and Exhibits attached thereto.

24
25 15.

26 In the course of activities described in Paragraphs 6
27 and 13 above, and during the examination period described in

1 Paragraph 15, Respondents acted in violation of the Code and the
2 Regulations in that unlicensed individuals, Lourdes Barahona and
3 William Barahona, were authorized to sign trust account checks
4 without fidelity bond coverage.

5 16.

6 The conduct, acts and/or omissions of Respondents
7 AMERIPROP and GUZMAN, as set forth in Paragraph 16 above,
8 violated Code Section 10145 and Regulations 2834 and 2951, and
9 therefore grounds exist to discipline each Respondents' licenses
10 and/or license rights pursuant to Business and Professions Code
11 Section 10177(d), 10176(e), 10176(g) and/or 10177(g).

12 17.

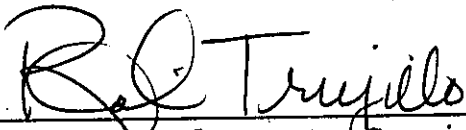
13 The conduct, acts and/or omissions set forth in
14 Paragraphs 16 constitute grounds to discipline the licenses and
15 license rights of Respondent GUZMAN for failure to supervise the
16 activities of AMERIPROP to ensure compliance with the real estate
17 laws, pursuant to Code Sections 10159.2, 10177(h) and/or
18 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent
5 AMERIPROP ENTERPRISES INC. and Respondent CARLOS FREDERICO GUZMAN
6 under the Real Estate Law and for such other and further relief
7 as may be proper under applicable provisions of law.

8 Dated at Los Angeles, California

9 this 22 day of October, 2008.

11 
12 _____
13 Deputy Real Estate Commissioner

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22
23 cc: Ameriprop Enterprises Inc. Services, Inc.
24 Carlos Frederico Guzman
25 Sacto.
26 Robin Trujillo
27 L.A. Audits (Kwong)