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FILED
DEC 10 2015
BUREAU OF REAL ESTATE
 By John Guil

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 7
 8 BEFORE THE BUREAU OF REAL ESTATE
 9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-40061 LA
)
 12 ROBERT GONZALEZ JR.; and)
)
 13 ROKITTO ENTERPRISES,) A C C U S A T I O N
)
 14 Respondents.)
)

15
 16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
 17 of California, acting in her official capacity, for cause of Accusation against ROBERT
 18 GONZALEZ JR. aka Roberto Gonzalez Viramontes, Jr. and ROKITTO ENTERPRISES
 19 ("Respondents") alleges as follows:

20 1.

21 All references to the "Code" are to the California Business and Professions
 22 Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all
 23 references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

24 2.

25 Respondent ROBERT GONZALEZ JR. ("GONZALEZ") is presently licensed
 26 and/or has license rights under the Real Estate Law as a real estate broker. Respondent
 27 GONZALEZ was originally licensed as a real estate salesperson on April 12, 1991, and as a real

1 estate broker on January 18, 1995. GONZALEZ's real estate broker license is due to expire on
2 March 9, 2019. Beginning August 13, 2012, and continuing to the present, GONZALEZ has
3 registered the licensed fictitious business name "Broker Settlement Services" on his real estate
4 broker license. Effective October 24, 2013, Respondent GONZALEZ applied for and received
5 a corporate real estate license for his corporation, Broker Settlement Services, Inc., for which
6 GONZALEZ was and continues to be the Designated Officer.

7 3.

8 Effective February 27, 2006, Respondent GONZALEZ applied for and received
9 a corporate real estate license for his corporation, Respondent ROKITTO ENTERPRISES
10 ("RE"). GONZALEZ was the Designated Officer of RE from February 27, 2006, until October
11 10, 2014. During the period June 26, 2012, to October 10, 2014, GONZALEZ registered the
12 licensed fictitious business name "Broker Settlement Services" on the corporate real estate
13 broker license of RE. The corporate powers, rights and privileges of RE are currently listed as
14 "suspended" by the California Secretary of State. The corporate real estate broker license of
15 RE, which currently has no broker officer, is due to expire on February 26, 2018.

16 4.

17 At all times mentioned, Respondents engaged in the business of, acted in the
18 capacity of, advertised, or assumed to act as a real estate brokers within the meaning of Code
19 Section 10131(d), including the solicitation of borrowers or lenders for and/or negotiating loans
20 secured by liens on real property as the agent of others. In addition Respondents conducted
21 broker-controlled escrow activities under the real estate broker license of RE pursuant to
22 Financial Code Section 17006(a)(4).

23 FIRST CAUSE OF ACCUSATION

24 (Failure to Retain Records – GONZALEZ)

25 5.

26 On or about October 27, 2014, the Bureau personally served a subpoena duces
27 tecum on Respondent GONZALEZ as part of an investigation to examine, audit, inspect and

1 copy Respondents' books, records and accounts regarding Respondents' real estate
2 transactions as part of a Bureau audit of GONZALEZ, and his related business entities.

3 6.

4 Respondent failed to retain the books, accounts, and records regarding any real
5 estate transactions and refused to make such records available to the Real Estate
6 Commissioner's representative, to wit: the auditor, in violation of Code Section 10148.

7 7.

8 The conduct of Respondent GONZALEZ, as alleged above, is in violation of
9 Code Section 10148, and subjects the real estate licenses and license rights of said Respondent
10 to suspension or revocation pursuant to Code Sections 10177(d) and/or 10177(g).

11 SECOND CAUSE OF ACCUSATION

12 (Conversion of Trust Funds – GONZALEZ)

13 Jesse R.

14 8.

15 On or about March 3, 2014, consumer Jesse R. engaged the services of
16 Respondent GONZALEZ as a real estate broker to refinance the mortgage loan on his home.
17 At the close of escrow, the consumer's proceeds from the refinance were \$16,745.83.
18 Respondent issued a check to Jesse R. in the amount of \$16,745.83 from "Broker Settlement
19 Services." At the time the check was issued, Respondent had insufficient funds to honor that
20 amount. Thereafter, Respondent GONZALEZ failed and refused to deposit funds into the bank
21 account of Broker Settlement Services sufficient to enable Jesse R. to obtain his proceeds from
22 the refinance transaction.

23 9.

24 The failure and refusal of Respondent to pay loan proceeds entrusted to him in
25 connection with a real estate transaction is a conversion of such funds in violation of Code
26 Sections 10145, 10176(a), 10176(e), 10176(i) and/or 10177(g) and subjects the real estate
27 licenses and license rights of Respondent GONZALEZ to suspension or revocation pursuant to

1 Code Sections 10176(a), 10176(e), 10176(i), 10177(d) and/or 10177(g).

2 Nelson G.

3 10.

4 On or about April 21, 2014, consumer Nelson G. engaged the services of
5 Respondent GONZALEZ as a real estate broker to refinance the mortgage loan on his home.
6 At the close of escrow, the consumer's proceeds from the refinance were at least \$61,682.84.
7 Respondent issued four checks to Jesse R. in the total amount of \$61,682.84 from "Rokitto
8 Enterprises dba Broker Settlement Services". At the time the checks were issued, Respondent
9 had insufficient funds to honor any of the four checks. Thereafter, Respondent GONZALEZ
10 failed and refused to deposit funds into the bank account of Rokitto Enterprises dba Broker
11 Settlement Services sufficient to enable Nelson G. to obtain his proceeds from the refinance
12 transaction.

13 11.

14 The failure and refusal of Respondent to pay loan proceeds entrusted to him in
15 connection with a real estate transaction is a conversion of such funds in violation of Code
16 Sections 10145, 10176(a), 10176(e), 10176(i) and/or 10177(g) and subjects the real estate
17 licenses and license rights of Respondent GONZALEZ to suspension or revocation pursuant to
18 Code Sections 10176(a), 10176(e), 10176(i), 10177(d) and/or 10177(g).

19 Daniel R.

20 12.

21 On or about November 21, 2014, consumer Daniel R. engaged the services of
22 Respondent GONZALEZ as a real estate broker to refinance the mortgage loan on his home.
23 Respondent requested an advance fee of \$14,681.83 for loan costs, which Daniel R. paid to
24 Respondent GONZALEZ. Respondent GONZALEZ does not have an approved advance fee
25 agreement on file with the Bureau of Real Estate. Thereafter, Respondent never took any action
26 to apply for or obtain a mortgage loan for Daniel R., and has failed and refused to refund the
27 fees paid.

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13.

The conduct of Respondent GONZALEZ to collect, and then refuse to refund, an advance loan fee entrusted to him in connection with a real estate transaction is a conversion of such funds in violation of Code Sections 10085.5, 10145, 10176(a), 10176(e), 10176(i) and/or 10177(g) and subjects the real estate licenses and license rights of Respondent GONZALEZ to suspension or revocation pursuant to Code Sections 10176(a), 10176(e), 10176(i), 10177(d) and/or 10177(g).

14.

Respondents' activities constitute a course of conduct which includes the activities described in paragraphs 8 through 13, above, by way of example, but is by no means limited to those named consumers and their experiences.

THIRD CAUSE OF ACCUSATION

(Suspension of Corporation Status – RE)

15.

Prior to October 10, 2014, the Franchise Tax Board of the State of California suspended the powers, rights and privileges of Respondent RE pursuant to the provisions of the California Revenue and Taxation Code. The corporate powers, rights and privileges of Respondent RE remain suspended to date.

16.

The conduct of Respondent RE as alleged above, is in violation of Regulation 2742(c), and subjects its real estate license and license rights to suspension or revocation pursuant to Code Section 10177(d) and 10177(f).

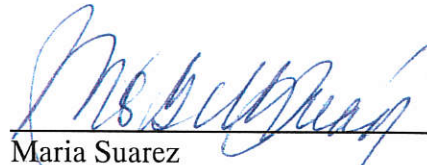
17.

California Business and Professions Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have

1 committed a violation of this part to pay a sum not to exceed the reasonable costs of
2 investigation and enforcement of the case.

3
4 WHEREFORE, Complainant prays that a hearing be conducted on the
5 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
6 disciplinary action against all the licenses and license rights of Respondents ROBERT
7 GONZALEZ JR. aka Roberto Gonzalez Viramontes, Jr. and ROKITTO ENTERPRISES, for
8 the costs of investigation and enforcement as provided by law, and for such other and further
9 relief as may be proper under other applicable provisions of law.

10 Dated at Los Angeles, California: 19 November 2015.

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13 _____
14 Maria Suarez
15 Supervising Special Investigator

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24
25 cc: Robert Gonzalez Jr.
26 Rokitto Enterprises
27 Maria Suarez
Audits – Jason Choi
Sacto.