

last

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

DEC 20 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34868 LA
CALIFORNIA HOME CENTER)	L-2008120585
GROUP INC.; and JAMES ALFRED)	
SANTANA, individually and as)	
designated officer of California)	
Home Center Group Inc.)	
)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 23, 2008, an Accusation was filed in this matter against Respondent CALIFORNIA HOME CENTER GROUP INC.

On February 18, 2010, Respondent petitioned the Commissioner to voluntarily surrender it's real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

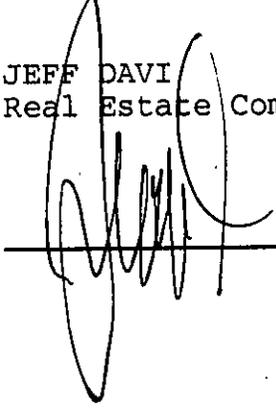
IT IS HEREBY ORDERED that Respondent CALIFORNIA HOME CENTER GROUP INC's petition for voluntary surrender of it's real estate broker license is accepted as of the effective date of

1 this Order as set forth below, based upon the understanding and
2 agreement expressed in Respondent's Declaration dated February
3 18, 2010 (attached as Exhibit "A" hereto). Respondent's license
4 certificate(s), pocket card(s) and any branch office license
5 certificate(s) shall be sent to the below listed address so that
6 they reach the Department on or before the effective date of this
7 Order:

8 Department of Real Estate
9 Atten: Licensing Flag Section
10 P.O. Box 187000
11 Sacramento, CA 95818-7000

12 This Order shall become effective at 12 o'clock noon on
13 January 10, 2011

14 DATED: 12/24/2010

15 JEFF DAVIS
16 Real Estate Commissioner
17 
18 _____
19
20
21
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34868 LA
)	
CALIFORNIA HOME CENTER)	
GROUP INC.; and JAMES ALFRED)	
SANTANA, individually and as)	
designated officer of California)	
Home Center Group Inc.)	
)	
Respondents.)	
)	
)	

DECLARATION

My name is James Alfred Santana and I am the Designated Officer of CALIFORNIA HOME CENTER GROUP INC., which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized to sign this declaration on behalf of CALIFORNIA HOME CENTER GROUP INC.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedures Act (Sections 11400 et seq., of the Government Code) CALIFORNIA HOME CENTER

1 GROUP INC. wishes to voluntarily surrender its real estate
2 license issued by the Department of Real Estate ("Department"),
3 pursuant to Business and Professions Code Section 10100.2.

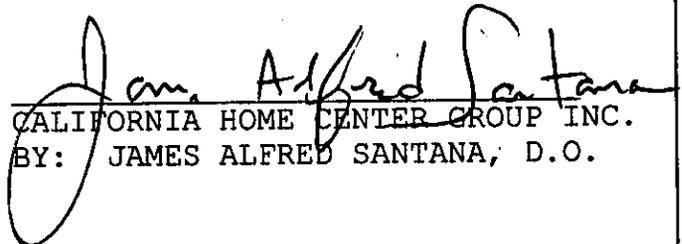
4 I understand that CALIFORNIA HOME CENTER GROUP INC. by
5 so voluntarily surrendering its license can only have it
6 reinstated in accordance with the provisions of Section 11522 of
7 the Government Code. I also understand that by so voluntarily
8 surrendering its license rights, CALIFORNIA HOME CENTER GROUP
9 INC. agrees to the following:

10 The filing of this Declaration shall be deemed as its
11 petition for voluntary surrender. It shall also be deemed to be
12 an understanding and agreement by CALIFORNIA HOME CENTER GROUP
13 INC. that, it waives all rights it has to require the
14 Commissioner to prove the allegations contained in the Accusation
15 ("Accusation") filed in this matter at a hearing held in
16 accordance with the provisions of the Administrative Procedures
17 Act (Government Code Sections 11400 et seq.), and that it also
18 waives other rights afforded to it in connection with the hearing
19 such as the right to discovery, the right to present evidence in
20 defense of the allegations in the Accusation and the right to
21 cross examine witnesses. I further agree on behalf of CALIFORNIA
22 HOME CENTER GROUP INC. that upon acceptance by the Commissioner,
23 as evidenced by an appropriate order, all affidavits and all
24 relevant evidence obtained by the Department in this matter prior
25 to the Commissioner's acceptance, and all allegations contained
26
27

1 in the Accusation filed in the Department Case No. H-34868 LA,
2 may be considered by the Department to be true and correct for
3 the purpose of deciding whether or not to grant reinstatement of
4 CALIFORNIA HOME CENTER GROUP INC.'s license pursuant to
5 Government Code Section 11522.

6 I declare under penalty of perjury under the laws of
7 the State of California that the above is true and correct and
8 that I am acting freely and voluntarily on behalf of CALIFORNIA
9 HOME CENTER GROUP INC. to surrender its license and all license
10 rights attached thereto.

11
12 2-18 / Orange County 2010
13 Date and Place

14 
15 CALIFORNIA HOME CENTER GROUP INC.
16 BY: JAMES ALFRED SANTANA, D.O.
17
18
19
20
21
22
23
24
25
26
27

1.

1 The Complainant, Robin Trujillo, acting in her official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against CALIFORNIA HOME CENTER
4 GROUP INC. and JAMES ALFRED SANTANA.
5

2.

6 All references to the "Code" are to the California
7 Business and Professions Code and all references to "Regulations"
8 are to Title 10, Chapter 6, California Code of Regulations.
9

10 LICENSE HISTORY

3.

11
12 A. At all times mentioned, CALIFORNIA HOME CENTER
13 GROUP INC. ("CALIFORNIA HOME CENTER") was licensed or had license
14 rights issued by the Department) as a real estate broker. On
15 October 25, 2005, CALIFORNIA HOME CENTER was originally licensed
16 as a real estate broker by and through JAMES ALFRED SANTANA as
17 designated officer.
18

19 B. At all times mentioned, JAMES ALFRED SANTANA
20 ("SANTANA") was licensed or had license rights issued by the
21 Department of Real Estate (Department) as a real estate broker.
22 On March 28, 1995, SANTANA was originally licensed as a real
23 estate broker. At all times material, SANTANA was licensed as
24 the designated officer of CALIFORNIA HOME CENTER.

25 C. At all times material herein, CALIFORNIA HOME
26 CENTER were licensed by the Department as a corporate real estate
27 broker by and through SANTANA, as the designated officer and

1 broker responsible, pursuant to Code Section 10159.2 of the
2 Business and Professions Code for supervising the activities
3 requiring a real estate license conducted on behalf of CALIFORNIA
4 HOME CENTER's officers, agents and employees, including SANTANA.

5 BROKERAGE

6 4.

7 At all times mentioned, in the City of Anaheim, County
8 of Orange, CALIFORNIA HOME CENTER and SANTANA, acted as real
9 estate brokers and conducted licensed activities within the
10 meaning of:

11 A. Code Section 10131(a). CALIFORNIA HOME CENTER
12 operated a residential resale brokerage and engaged in the
13 business of, acted in the capacity of, advertised or assumed to
14 act as a real estate broker, including the solicitation for
15 listings of and the negotiation of the sale of real property as
16 the agent of others.; and

17 B. Code Section 10131(d). CALIFORNIA HOME CENTER
18 operated a mortgage and loan brokerage and engaged in activities
19 with the public wherein lenders and borrowers were solicited for
20 loans secured directly or collaterally by liens on real property,
21 wherein such loans were arranged, negotiated, processed and
22 consummated on behalf of others for compensation or in
23 expectation of compensation and for fees often collected in
24 advance.
25

26 ///

FIRST CAUSE OF ACTION

CALIFORNIA HOME CENTER GROUP INC.

RESIDENTIAL RESALE AUDIT

5.

On December 22, 2006, the Department completed an audit examination of the books and records of CALIFORNIA HOME CENTER pertaining to the residential resale activities described in Paragraph 4.A., which require a real estate license. The audit examination covered a period of time beginning on October 25, 2005 to November 30, 2006. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully set forth in Audit Report LA 060065 and the exhibits and workpapers attached thereto.

CALIFORNIA HOME CENTER GROUP INC.

TRUST ACCOUNT

6.

During the audit period, CALIFORNIA HOME CENTER did not maintain a trust account.

///

///

///

///

///

///

///

///

CALIFORNIA HOME CENTER GROUP INC.

VIOLATIONS OF THE REAL ESTATE LAW

7.

In the course of activities described in Paragraph 4, above, and during the examination period described in Paragraph 5, Respondents CALIFORNIA HOME CENTER and SANTANA, acted in violation of the Code and the Regulations in that they:

(a) Failed to place trust funds, including earnest money deposits, accepted on behalf of another into the hands of the owner of the funds, a neutral escrow depository or into a trust fund account in the name of the trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker's salesperson, as required by Code Section 10145 and Regulation 2832(a) and (d). Earnest money deposits for buyers Ruiz, Rodriguez, Corrales and Suarez were not timely deposited.

(b) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds received, in violation of Code Section 10145 and Regulation 2831.

(c) Conducted licensed activities at branch offices located at 2030 W. Lincoln Avenue, suite A, D, E at Anaheim, California, without notifying the Department, in violation of Code Section 10163 and Regulation 2715.

///

///

CALIFORNIA HOME CENTER GROUP INC.
DISCIPLINARY STATUTES AND REGULATIONS

8.

The conduct of Respondents CALIFORNIA HOME CENTER and SANTANA, described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
7(a)	Code Section 10145 and Regulation 2832(a) and 2832 (b)
7(b)	Code Section 10145 and Regulation 2831
7(c)	Code Section 10163 and Regulation 2715

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of CALIFORNIA HOME CENTER and SANTANA under the provisions of Code Sections 10165, 10177(d) and/or 10177(g).

///

///

///

///

///

///

SECOND CAUSE OF ACTION

CALIFORNIA HOME CENTER GROUP INC.

MORTGAGE AND LOAN AUDIT

9.

On February 28, 2007, the Department completed an audit examination of the books and records of CALIFORNIA HOME CENTER pertaining to the mortgage and loan activities described in Paragraph 4.C., which require a real estate license. The audit examination covered a period of time beginning on October 25 2005 to November 30, 2006. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully set forth in Audit Report LA 060065 and the exhibits and workpapers attached thereto.

CALIFORNIA HOME CENTER GROUP INC.

TRUST ACCOUNT

10.

During the audit period, CALIFORNIA HOME CENTER did not maintain a trust account.

///

///

///

///

///

///

///

///

CALIFORNIA HOME CENTER GROUP INC.

DISCIPLINARY STATUTES AND REGULATIONS

12.

The conduct of Respondents CALIFORNIA HOME CENTER and SANTANA, described in Paragraph 11, above, violated the Code and the Regulations as set forth below:

PARAGRAPH

PROVISIONS VIOLATED

11(a)

Code Section 10240 and Regulation 2840

11(b)

Code Section 10236.4

11(c)

Code Section 10176(g)

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of CALIFORNIA HOME CENTER and SANTANA under the provisions of Code Sections 10176(a), 10176(g), 10177(d) and/or 10177(g).

NEGLIGENCE

13.

The overall conduct of Respondents CALIFORNIA HOME CENTER GROUP INC. and SANTANA constitutes negligence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of said pursuant to Code Section 10177(g).

LACK OF SUPERVISION AND COMPLIANCE

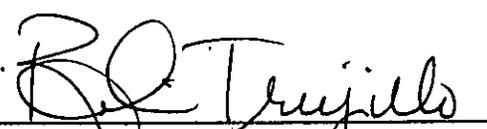
14.

1
2
3 The overall conduct of Respondent SANTANA constitutes a
4 failure on his part, as officer designated by a corporate broker
5 licensee, to exercise the reasonable supervision and control over
6 the licensed activities of CALIFORNIA HOME CENTER GROUP INC. as
7 required by Code Section 10159.2, and to keep CALIFORNIA HOME
8 CENTER GROUP INC. in compliance with the Real Estate Law, and is
9 cause for the suspension or revocation of the real estate license
10 and license rights of SANTANA pursuant to the provisions of Code
11 Sections 10177(d), 10177(g) and 10177(h).

12 WHEREFORE, Complainant prays that a hearing be
13 conducted on the allegations of this Accusation and that upon
14 proof thereof, a decision be rendered imposing disciplinary
15 action against the license and license rights of Respondents
16 CALIFORNIA HOME CENTER GROUP INC. and JAMES ALFRED SANTANA, under
17 the Real Estate Law (Part 1 of Division 4 of the Business and
18 Professions Code) and for such other and further relief as may be
19 proper under other applicable provisions of law.
20

21 Dated at Los Angeles, California

22 this 10 day of April 2008.

23 
Deputy Real Estate Commissioner

24 cc: California Home Center Group Inc.
25 c/o James Alfred Santana D.O.
26 Robin Trujillo
Sacto
27 Audits - Danio Fajardo