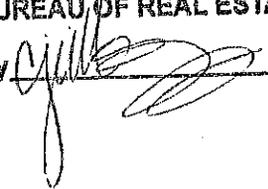


1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013
(213) 576-6982

FILED

DEC - 1 2015

BUREAU OF REAL ESTATE

By 

6
7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10	In the Matter of the Accusation of)	CalBRE No. H-39796 LA
)	OAH No. 2015041226
11	SWB PROPERTIES, INC.,)	
	RICARDO ISIDRO DIAZ,)	
12	individually, and as designated)	<u>STIPULATION & AGREEMENT</u>
	officer of SWB Properties, Inc., and)	
13	CHRISTOPHER SHAWN GRAJEDA,)	
)	
14	Respondents.)	

15
16 It is hereby stipulated by and between SWB PROPERTIES, INC., RICARDO
17 ISIDRO DIAZ, and CHRISTOPHER SHAWN GRAJEDA (collectively "Respondents") and
18 their attorney, Robert P. Sievers, and the Complainant, acting by and through Lissete Garcia,
19 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of
20 the Accusation filed on March 30, 2015, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents at a formal hearing on the Accusation, which
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of

1 this Stipulation and Agreement (“Stipulation”).

2 2. Respondents have received, read, and understand the Statement to
3 Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Bureau of
4 Real Estate (“Bureau”) in this proceeding.

5 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
7 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
8 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
9 waive their right to require the Commissioner to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that they will waive
11 other rights afforded to them in connection with the hearing such as the right to present
12 evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. This Stipulation is based on the factual allegations contained in the
15 Accusation filed in this proceeding. In the interest of expedience and economy, Respondents
16 choose not to contest these factual allegations, but to remain silent and understand that, as a
17 result thereof, these factual statements, will serve as a prima facie basis for the disciplinary
18 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
19 further evidence to prove such allegations.

20 5. This Stipulation and Respondents’ decision not to contest the Accusation are
21 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate,
23 or another licensing agency of this state, another state or if the federal government is involved
24 and otherwise shall not be admissible in any other criminal or civil proceedings.

1 II.

2 The conduct, acts and/or omissions of Respondent RICARDO ISIDRO DIAZ, as
3 set forth in the Accusation, constitute cause for the suspension or revocation of the real estate
4 license and license rights of Respondent RICARDO ISIDRO DIAZ under the provisions of
5 Code Sections 10176(a) and 10177(h) for violation of Code Sections 10137, 10159.5, and
6 Regulation 2731 of the Regulations of the Real Estate Commissioner, Title 10, Chapter 6,
7 California Code of Regulations.

8 III.

9 The conduct, acts and/or omissions of Respondent CHRISTOPHER SHAWN
10 GRAJEDA, as set forth in the Accusation, constitute cause for the suspension or revocation of
11 the real estate license and license rights of Respondent CHRISTOPHER SHAWN GRAJEDA
12 under the provisions of Code Sections 10176(a) and 10177(g).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I.

16 All licenses and licensing rights of Respondent SWB PROPERTIES, INC. under
17 the Real Estate Law are revoked; provided, however, a restricted real estate corporation license
18 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
19 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
20 fee for the restricted license within 90 days of the effective date of this Decision. The restricted
21 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
22 Business and Professions Code and to the following limitations, conditions and restrictions
23 imposed under authority of Section 10156.6 of that Code:
24

1 1. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
3 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
4 real estate licensee.

5 2. The restricted license issued to Respondent may be suspended prior to hearing
6 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
7 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
8 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
9 license.

10 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
11 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
12 restricted license until at least two (2) years have elapsed from the effective date of this
13 Decision.

14 4. Respondent SWB PROPERTIES, INC. shall be jointly and severally liable
15 with Respondents RICARDO ISIDRO DIAZ and CHRISTOPHER SHAWN GRAJEDA for
16 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
17 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
18 paid the restitution of \$9,150. Proof of satisfaction of this requirement includes: a certified
19 copy of the satisfaction of judgment; a letter from an attorney or certified public accountant
20 testifying under penalty of perjury to the fact that said judgment has been paid by
21 Respondent(s); a copy of a cancelled check to the victims; and/or a letter from the victims
22 attesting that repayment of funds has been received. Proof of payment must be delivered to the
23 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
24 at 916-263-8758, within 90 days from the effective date of this Decision and Order.

1 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
2 real estate licensee.

3 2. The restricted license issued to Respondent may be suspended prior to hearing
4 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
7 license.

8 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
9 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
10 restricted license until at least two (2) years have elapsed from the effective date of this
11 Decision.

12 4. Respondent RICARDO ISIDRO DIAZ shall be jointly and severally liable
13 with Respondents SWB PROPERTIES, INC. and CHRISTOPHER SHAWN GRAJEDA for
14 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
15 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
16 paid the restitution of \$9,150. Proof of satisfaction of this requirement includes: a certified
17 copy of the satisfaction of judgment; a letter from an attorney or certified public accountant
18 testifying under penalty of perjury to the fact that said judgment has been paid by
19 Respondent(s); a copy of a cancelled check to the victims; and/or a letter from the victims
20 attesting that repayment of funds has been received. Proof of payment must be delivered to the
21 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
22 at 916-263-8758, within 90 days from the effective date of this Decision and Order.

23 5a. Respondent RICARDO ISIDRO DIAZ shall be jointly and severally liable
24 with Respondents SWB PROPERTIES, INC. and CHRISTOPHER SHAWN GRAJEDA for

1 payment of the sum of \$4,374.40 for the Commissioner's reasonable costs of enforcement and
2 investigation which led to this disciplinary action. Said payment shall be in the form of a
3 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement
4 costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
5 Sacramento, CA 95813-7013, within 90 days from the effective date of this Decision and Order.

6 5b. The Commissioner shall suspend Respondents' licenses pending a hearing
7 held in accordance with California Government Code Section 11500, et seq., if payment is not
8 timely made as provided for herein. The suspensions shall remain in effect until payment is
9 made in full or until a decision providing otherwise is adopted following a hearing held
10 pursuant to this condition.

11 6. Respondent shall, within six (6) months from the effective date of this Order,
12 take and pass the Professional Responsibility Examination administered by the Bureau
13 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
14 condition, Respondent's real estate license shall automatically be suspended until Respondent
15 passes the examination.

16 7. Respondent shall, within nine (9) months from the effective date of this
17 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
18 recent issuance of an original or renewal real estate license, taken and successfully completed
19 the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
20 renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real
21 estate license shall automatically be suspended until Respondent presents evidence satisfactory
22 to the Commissioner of having taken and successfully completed the continuing education
23 requirements. Proof of completion of the continuing education courses must be delivered to the
24 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

1 III.

2 All licenses and licensing rights of Respondent CHRISTOPHER SHAWN
3 GRAJEDA under the Real Estate Law are revoked; provided, however, a restricted real estate
4 salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business
5 and Professions Code if Respondent makes application therefor and pays to the Bureau of Real
6 Estate the appropriate fee for the restricted license within 90 days of the effective date of this
7 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
8 Section 10156.7 of the Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

10 1. The restricted license issued to Respondent may be suspended prior to hearing
11 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
12 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
13 real estate licensee.

14 2. The restricted license issued to Respondent may be suspended prior to hearing
15 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
16 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
17 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
18 license.

19 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
20 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
21 restricted license until at least two (2) years have elapsed from the effective date of this
22 Decision.

23 4. Respondent shall submit with any application for license under an employing
24 broker, or any application for transfer to a new employing broker, a statement signed by the

1 prospective employing real estate broker on a form approved by the Bureau of Real Estate
2 which shall certify:

3 (a) That the employing broker has read the Order of the Commissioner which
4 granted the right to a restricted license, and

5 (b) That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real estate license is
7 required.

8 5. Respondent CHRISTOPHER SHAWN GRAJEDA shall be jointly and
9 severally liable with Respondents SWB PROPERTIES, INC. and RICARDO ISIDRO DIAZ for
10 payment in the amount of \$9,150.00 as restitution to Enad Fakhouri, Rakan Fakhouri, and
11 Shireen Muallem. Respondents must provide proof satisfactory to the Commissioner, of having
12 paid the restitution of \$9,150. Proof of satisfaction of this requirement includes: a certified
13 copy of the satisfaction of judgment; a letter from an attorney or certified public accountant
14 testifying under penalty of perjury to the fact that said judgment has been paid by
15 Respondent(s); a copy of a cancelled check to the victims; and/or a letter from the victims
16 attesting that repayment of funds has been received. Proof of payment must be delivered to the
17 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
18 at 916-263-8758, within 90 days from the effective date of this Decision and Order.

19 6a. Respondent CHRISTOPHER SHAWN GRAJEDA shall be jointly and
20 severally liable with Respondents SWB PROPERTIES, INC. and RICARDO ISIDRO DIAZ for
21 payment of the sum of \$4,374.40 for the Commissioner's reasonable costs of enforcement and
22 investigation which led to this disciplinary action. Said payment shall be in the form of a
23 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement
24

1 costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
2 Sacramento, CA 95813-7013, within 90 days from the effective date of this Decision and Order.

3 6b. The Commissioner shall suspend Respondents' licenses pending a hearing
4 held in accordance with California Government Code Section 11500, et seq., if payment is not
5 timely made as provided for herein. The suspensions shall remain in effect until payment is
6 made in full or until a decision providing otherwise is adopted following a hearing held
7 pursuant to this condition.

8 7. Respondent shall, within six (6) months from the effective date of this Order,
9 take and pass the Professional Responsibility Examination administered by the Bureau
10 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
11 condition, Respondent's real estate license shall automatically be suspended until Respondent
12 passes the examination.

13 8. Respondent shall, within nine (9) months from the effective date of this
14 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
15 recent issuance of an original or renewal real estate license, taken and successfully completed
16 the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
17 renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real
18 estate license shall automatically be suspended until Respondent presents evidence satisfactory
19 to the Commissioner of having taken and successfully completed the continuing education
20 requirements. Proof of completion of the continuing education courses must be delivered to the
21 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

22
23 DATED: 10/27/2015

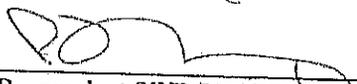

LISSETE GARCIA, Counsel for the
Bureau of Real Estate

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We have read the Stipulation and Agreement and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondents agree, acknowledge, and understand that by electronically sending to the Bureau a fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original signed Stipulation and Agreement.

DATED: 10/25/15


Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

DATED: 10/25/15


Respondent RICARDO ISIDRO DIAZ

DATED: _____

Respondent CHRISTOPHER SHAWN GRAJEDA

I have reviewed the Stipulation and Agreement as to form and content and have

1 * * *

2 We have read the Stipulation and Agreement and its terms are understood by us
3 and are agreeable and acceptable to us. We understand that we are waiving rights given to us by
4 the California Administrative Procedure Act (including but not limited to Sections 11506,
5 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which we would have the right to cross-examine
8 witnesses against us and to present evidence in defense and mitigation of the charges.

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10 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
11 Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917.

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13 fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt
14 of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had
15 received the original signed Stipulation and Agreement.

16
17 DATED: _____

18 _____
Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

19
20 DATED: _____

21 _____
Respondent RICARDO ISIDRO DIAZ

22
23 DATED: 5/24/15

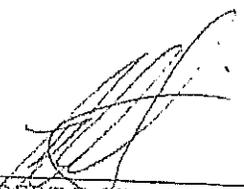
24 _____
Respondent CHRISTOPHER SHAWN GRAJEDA

I have reviewed the Stipulation and Agreement as to form and content and have

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advised my client accordingly.

DATED: 10/23/2015



ROBERT P. SIEVERS, ESQ.
Attorney for Respondents SWB PROPERTIES,
INC., RICARDO ISIDRO DIAZ, and
CHRISTOPHER SHAWN GRAJEDA

The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter, and shall become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

REAL ESTATE COMMISSIONER

1 * * *

2 We have read the Stipulation and Agreement and its terms are understood by us
3 and are agreeable and acceptable to us. We understand that we are waiving rights given to us by
4 the California Administrative Procedure Act (including but not limited to Sections 11506,
5 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which we would have the right to cross-examine
8 witnesses against us and to present evidence in defense and mitigation of the charges.

9 Respondents can signify acceptance and approval of the terms and conditions of
10 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
11 Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917.

12 Respondents agree, acknowledge, and understand that by electronically sending to the Bureau a
13 fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt
14 of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had
15 received the original signed Stipulation and Agreement.

16
17 DATED: _____

Respondent SWB PROPERTIES, INC.
By Respondent Ricardo Isidro Diaz

18
19
20 DATED: _____

Respondent RICARDO ISIDRO DIAZ

21
22 DATED: _____

Respondent CHRISTOPHER SHAWN GRAJEDA

23
24 *I have reviewed the Stipulation and Agreement as to form and content and have*

1 *advised my client accordingly.*

2 DATED: _____

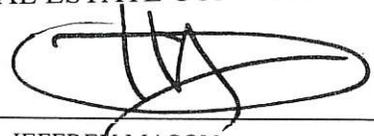
3 _____
4 ROBERT P. SIEVERS, ESQ.
5 Attorney for Respondents SWB PROPERTIES,
6 INC., RICARDO ISIDRO DIAZ, and
7 CHRISTOPHER SHAWN GRAJEDA

8 * * *

9 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
10 this matter, and shall become effective at 12 o'clock noon on DEC 21 2015.

11 IT IS SO ORDERED Nov 27, 2015.

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

14 

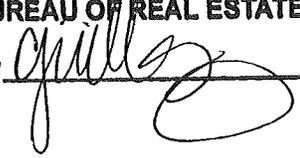
15 By: JEFFREY MASON
16 Chief Deputy Commissioner

1 LISSETE GARCIA, Counsel (SBN 211552)
Bureau of Real Estate
2 320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982
Direct: (213) 576-6914
4 Fax: (213) 576-6917

FILED

MAR 30 2015

BUREAU OF REAL ESTATE

By 

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) CalBRE No. H-39796 LA
11)
12 SWB PROPERTIES, INC.,) ACCUSATION
13 RICARDO ISIDRO DIAZ,)
14 individually, and as designated)
15 officer of SWB Properties, Inc., and)
CHRISTOPHER SHAWN GRAJEDA,)
Respondents.)

17 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of
18 California, for cause of Accusation against SWB PROPERTIES, INC., RICARDO ISIDRO
19 DIAZ, individually, and as designated officer of SWB Properties, Inc., and CHRISTOPHER
20 SHAWN GRAJEDA (collectively "Respondents"), is informed and alleges as follows:

21 1.

22 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of
23 California, makes this Accusation in her official capacity.

24 ///

1 2.

2 All references to the "Code" are to the California Business and Professions Code and all
3 references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,
4 Chapter 6, California Code of Regulations.

5 3.

6 Respondents are presently licensed and/or have license rights under the Real Estate Law
7 (Part 1 of Division 4 of the Code).

8 4.

9 From July 21, 2008, through the present, Respondent SWB PROPERTIES, INC.
10 ("SWB") has been licensed and/or has license rights by the Bureau of Real Estate¹ ("Bureau") as
11 a real estate corporation, License ID 01849301. From July 21, 2008, through the present,
12 Respondent SWB has been licensed to do business as Mainstreet Realtors.

13 5.

14 From May 6, 2010, through the present, Respondent RICARDO ISIDRO DIAZ
15 ("DIAZ") has been licensed by the Bureau as a real estate broker, License ID 01380372. DIAZ
16 was licensed as a real estate salesperson from June 2, 2003 through May 5, 2010.

17 6.

18 At all times herein mentioned, Respondent SWB was licensed as real estate corporation,
19 acting by and through Respondent DIAZ as SWB's designated broker-officer. As the officer
20 designated by Respondent SWB pursuant to Section 10211 of the Code, DIAZ was responsible
21 for the supervision and control of the activities conducted on behalf of Respondent SWB by its
22 officers and employees as necessary to secure full compliance with Real Estate Law as set forth

23 _____
24 ¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All
references to the agency are to the successor Bureau.

1 in Section 10159.2 of the Code.

2 7.

3 From April 4, 2007, CHRISTOPHER SHAWN GRAJEDA ("GRAJEDA") was licensed
4 by the Bureau as a real estate salesperson, License ID 01790076. GRAJEDA has been licensed
5 under the employment of SWB since November 29, 2011. GRAJEDA's license was previously
6 suspended from November 22, 2014, through February 4, 2015, pursuant to Family Code section
7 17520.

8 8.

9 From November 27, 2007, through the present, Rory T. Wilson ("Wilson") was licensed
10 by the Bureau as a real estate broker, License ID 01836256. Wilson's mailing address is the
11 same as SWB's main office and mailing address, 8577 Haven Ave., Suite 101, Rancho
12 Cucamonga, California 91730.

13 9.

14 From July 24, 2008, through the present, Jing He has been licensed by the Bureau as a
15 real estate salesperson, License ID 01849507. From August 2, 2012, through December 17,
16 2013, Jing He was licensed under the employment of broker, Realty One Group, Inc., with no
17 known affiliation to SWB.

18 FIRST CAUSE OF ACCUSATION

19 10.

20 On or about January 24, 2012, Wilson entered into an exclusive residential listing
21 agreement with Mainstreet Realtors as Wilson's broker, for the sale of Wilson's property located
22 at 14860 Rosetown Avenue, in Fontana, California ("subject property"). GRAJEDA is listed as
23 the agent on the first page of the residential listing agreement. GRAJEDA's email address is
24

1 listed as the email for Mainstreet Realtors. On an unknown date, the residential listing
2 agreement was subsequently altered to note on page 4 that DIAZ, not GRAJEDA, was the agent
3 acting on behalf of Mainstreet Realtors. GRAJEDA's real estate license number was replaced by
4 DIAZ's real estate license number. On September 4, 2014, in a letter written to the Bureau,
5 DIAZ acknowledged that GRAJEDA "obtained the listing agreement from seller, Mr. Wilson.
6 However, at the time Mr. Grajeda was not a member of the board of Realtors. At that time I put
7 the contract was converted (sic) over to my name and advertised under my MLS user ID. Mr.
8 Grajeda remained in direct contact with seller, Mr. Wilson."

9 11.

10 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 10,
11 constitute cause for the suspension or revocation of the licenses and license rights of
12 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),
13 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)
14 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

15 12.

16 On or about February 1, 2012, Respondent GRAJEDA executed a residential purchase
17 agreement for the purchase of the subject property by a prospective buyer, A.T.². GRAJEDA is
18 listed as the agent for Mainstreet Realtors who represented both the buyer, A.T., and the seller,
19 Wilson. The sale of the subject property to A.T. never closed. In or around August, 2012,
20 GRAJEDA showed the subject property to different prospective buyers who were interested in
21 purchasing the property. GRAJEDA informed the new, prospective, joint buyers, E.F, R.F., and

22 _____
23 ² Initials are used in place of A.T.'s full name to protect his privacy. Documents containing A.T.'s full name will
24 be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service on
Complainant's counsel with a timely and proper request for discovery.

1 S.M.³ that if they wanted the property they needed to have GRAJEDA represent them as their
2 agent and make an offer \$20,000 above the listing price. GRAJEDA told the prospective buyers
3 that he would reject all other offers and cancel a pending open house to ensure that they were
4 able to purchase the subject property.

5 13.

6 On or about August 10, 2012, a residential purchase agreement was signed between
7 prospective buyers E.F, R.F, and S.M., and seller, Wilson. Wilson accepted the offer from
8 buyers, E.F, R.F, and S.M. GRAJEDA induced the prospective buyers to use Belle Vista
9 Escrow, Inc. as the escrow company for the transaction. The purchase of the property was a
10 short sale transaction. On the copy of the residential listing agreement that was given to the
11 escrow company, Mainstreet Realtors is listed as both the selling and listing broker representing
12 both the seller and the buyers. GRAJEDA is listed as the selling agent for Mainstreet Realtors.
13 DIAZ is listed as the listing agent for Mainstreet Realtors. On a copy of the residential purchase
14 agreement given to the buyers, Mainstreet Realtors is listed as the selling broker and GRAJEDA
15 is listed as the selling agent for Mainstreet Realtors. DIAZ is listed as the listing agent for listing
16 broker, SWB Properties. SWB Properties' license number on page 8 of the residential listing
17 agreement is incorrect and corresponds to Jing He's real estate salesperson's license number.
18 SWB was not licensed to do business as SWB Properties. GRAJEDA was the agent who
19 actually represented both the buyers and seller for the short sale purchase of the subject property.
20 On or about July 26, 2013, DIAZ signed a commission authorization on behalf of Mainstreet
21 Realtors and SWB Properties which instructed the escrow company to pay \$8,387.50 in

22
23 ³ Initials are used in place of E.F., R.F., and S.M.'s full names to protect their privacy. Documents containing E.F.,
24 R.F., and S.M.'s full names will be provided during the discovery phase of this case to Respondent(s) and/or their
attorneys, after service on Complainant's counsel with a timely and proper request for discovery.

1 commissions to "SWB Properties," an unlicensed entity, for the sale of the subject property, in
2 violation of Code Sections 10159.5, 10130, 10137, and Regulation 2731.

3 14.

4 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 13,
5 constitute cause for the suspension or revocation of the licenses and license rights of
6 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),
7 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)
8 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

9 15.

10 Real Time Solutions and Ocwen Loan Servicing, LLC were the loan servicers for
11 Wilson's mortgages on the subject property. The loan servicers required that the parties sign an
12 affidavit of arm's length transaction in order to approve the short sale of the subject property.
13 Real Time Solution's affidavit stated that the seller, buyers, and their agents affirm that "no
14 buyer or agent of the buyer is a family member, business associate of, or shares a business
15 interest with the seller or agent of the seller." On or about June 21, 2013, DIAZ signed the
16 affidavit as the agent for the seller, Wilson, and GRAJEDA, signed the affidavit as the buyers'
17 agent. Real Time Solutions was not informed of any business relationship among Respondents
18 or between Respondents and Wilson. On or about June 21, 2013, DIAZ and GRAJEDA also
19 signed an affidavit of arm's length transaction for Ocwen. That affidavit stated that Wilson
20 could not list the property with, or sell the property to, anyone that Wilson was related to or with
21 whom he had a close personal or business relationship. On or about August 15, 2014, the Bureau
22 sent a letter of inquiry to DIAZ and SWB asking, among other things, whether DIAZ and/or
23 GRAJEDA had a relation to seller, Wilson, in any way. On September 4, 2013, in a letter
24

1 written to the Bureau, DIAZ notes that GRAJEDA “has been close friends with Mr. Wilson for
2 over a decade. [I] have also been an acquaintance of Mr. Wilson for a similar period of time.
3 Furthermore, as of February 7, 2014, Mr. Wilson is employed as an independent contractor with
4 [our] Real Estate Brokerage.”

5 16.

6 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 15,
7 constitute cause for the suspension or revocation of the licenses and license rights of
8 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),
9 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)
10 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

11 17.

12 Escrow closed on or around July 19, 2013. Respondents received \$18,300 in combined
13 commissions. GRAJEDA induced the buyers to pay approximately over \$30,000 in outstanding
14 liens owed by Wilson in order to close escrow on the transaction. In their complaint against
15 GRAJEDA and Respondents to the Bureau, the buyers claim that GRAJEDA and DIAZ made
16 substantial misrepresentations to the buyers including, but not limited to, the condition of the
17 property, when Wilson would be vacating the property, and credits that were to be paid by the
18 seller and GRAJEDA.

19 18.

20 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 17
21 constitute cause for the suspension or revocation of the licenses and license rights of
22 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),
23 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)
24

1 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

2 19.

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

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
8 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
9 against all licenses and/or license rights of Respondents SWB PROPERTIES, INC., RICARDO
10 ISIDRO DIAZ, individually, and as designated officer of SWB Properties, Inc., and
11 CHRISTOPHER SHAWN GRAJEDA under the Real Estate Law (Part 1 of Division 4 of the
12 Business and Professions Code), for the cost of investigation and enforcement as permitted by
13 law, and for such other and further relief as may be proper under other provisions of law.

14 Dated at Los Angeles, California

15 this 19th day of March, 2015.

16
17
18 
19 MARIA SUAREZ
Deputy Real Estate Commissioner

20
21 cc: Swb Properties, Inc.
22 Ricardo Isidro Diaz
23 Christopher Shawn Grajeda
24 Maria Suarez
Sacto