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FILED

MAR - 1 2011

DEPARTMENT OF REAL ESTATE

By L. Mar

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

10 * * *

11 In the Matter of the Accusation of)
12)
13 GRACE GUTIERREZ,) NO. H-2593 FR
14 IRMA CASILLAS and)
LUIS NAVARRO CASILLAS,) ACCUSATION
15 Respondents.)
16)

17 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
18 State of California for cause of Accusation against GRACE GUTIERREZ (GUTIERREZ),
19 IRMA CASILLAS (I. CASILLAS) and LUIS NAVARRO CASILLAS (L. CASILLAS) also
20 referred to as the CASILLASES, (collectively referred to as the Respondents), is informed and
21 alleges as follows:

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23 The Complainant makes this Accusation in his official capacity.

24 2

25 GUTIERREZ is presently licensed and/or has license rights under the Real Estate
26 Law, Part I of Division 4 of the California Business and Professions Code (the Code), as a real
27 estate salesperson.

1 3

2 I. CASILLAS is presently licensed and/or has licensing rights under the Code as
3 a real estate salesperson.

4 4

5 L. CASILLAS is presently licensed and/or has licensing rights under the Code as
6 a restricted real estate salesperson and previously had his salesperson license revoked on
7 October 13, 1993 in Department of Real Estate's case number H-1168 FR. L. CASILLAS
8 petitioned for reinstatement and his petition was denied with a right to a restricted salesperson
9 license on January 14, 1999. A restricted salesperson license was issued on February 4, 1999.

10 5

11 In and around October 2009, the CASILLASES contacted GUTIERREZ about
12 selling their residence commonly known as 4301 Remey Court, Modesto, California (The
13 Property). GUTIERREZ agreed to represent them in the sale of The Property.

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15 On or about October 12, 2009, GUTIERREZ contacted Haroutune Avanesian
16 and his wife Josephina Valdez (Buyers) to purchase The Property.

17 7

18 On or about October 14, 2009, a Notice of Trustee's Sale was recorded on The
19 Property.

20 8

21 On or about October 16, 2009, the CASILLASES signed a listing agreement with
22 GUTIERREZ for a short sale of The Property.

23 9

24 On or about October 19, 2009, GUTIERREZ presented an offer from Buyers to
25 the CASILLASES for \$300,000.00, which they accepted. The Buyers agreed to pay the
26 CASILLASES \$15,000.00, which they paid just before the close of escrow in the form of two
27 separate checks.

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On or about October 23, 2009, GUTIERREZ faxed and e-mailed Erin Tyree at Bank of America, asking her to begin the short sale approval process for The Property.

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On or about October 29, 2009, GUTIERREZ submitted several listings to Metrolist concerning The Property, including that it was an "active short sale contingent", meaning it was open to other offers. GUTIERREZ received no instructions from either the lender or the CASILLASES to accept higher offers.

12

On or about November 3, 2009, Denise Indelicato and Michael Indelicato, through their agent, Karen Conrad, made an offer to buy The Property for \$325,000.00 based on the information in Metrolist.

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GUTIERREZ failed to communicate the Indelicatos' offer to Bank of America and also failed to advise the bank of the \$15,000.00 payment to the CASILLASES.

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In or around March 2010, The Property was sold to the Buyers.

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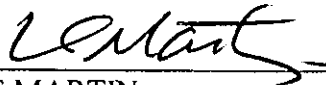
The representations made by the Respondents set out above were false and the Respondents knew that they were false when those representations were made. The true facts were that the Respondents did not intend to accept any higher bids that were made by the Buyers, did not intend to communicate any higher bids to Bank of America, did not intend to advise Bank of America of the \$15,000.00 payment to the CASILLASES and that the Respondents made these misrepresentations to conceal the \$15,000.00 payment to the CASILLASES.

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The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of GUTIERREZ, I. CASILLAS and L. CASILLAS under Sections 10176(a) (Substantial Misrepresentation), 10176(i) (Fraud/Dishonest Dealing) and 10177(j) (Other Conduct: Constituting Fraud/Dishonest Dealing) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, and for such other and further relief as may be proper under other provisions of law.


LUKE MARTIN
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 24th day of February 2011.