

File

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**FILED**

DEC 2 2013

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**BUREAU OF REAL ESTATE**  
By *L. Frost*

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of: )  
MARTHA G. NEVAREZ, )  
Respondent. )

No. H-2848 FR  
ACCUSATION

The Complainant, BRENDA SMITH, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARTHA G. NEVAREZ ("Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate salesperson.

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At all relevant times herein, Alicia Euniece Brown aka Alicia Euniece Bailey, served as the designated broker-officer for Upgrade Realty Corporation aka Upgrade Realty, which was the employing broker for Respondent.

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At all relevant times herein, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of California, within the meaning of section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property.

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On or about January 13, 2011, Respondent executed a Residential Purchase Agreement ("Purchase Agreement") on behalf of her client, Oscar Z., to purchase the real property located at 2140 Wall St. in Stockton, California ("Subject Property"). In the Purchase Agreement, Respondent listed herself as being the broker-officer of Upgrade Realty when, in actuality, she did not hold a broker license nor has Respondent ever lawfully served as the broker-officer for Upgrade Realty. Additionally, Respondent listed her personal address in the section of the Purchase Agreement designated for the address of the broker.

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On or about March 8, 2011, escrow closed on the Subject Property. On or about March 11, 2011, ServiceLink, the escrow company in this matter, issued a check to Upgrade Realty for \$2,718.00 which served as Upgrade Realty's commission for representing the buyer in the subject transaction. On or about March 16, 2011, Respondent endorsed Upgrade Realty's commission check and deposited it into her personal account. At no relevant times herein did Respondent have the authority to sign checks on behalf of Upgrade Realty.

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As a result of the actions of Respondent, as set forth above, Alicia Euniece Brown (designated broker officer of Upgrade Realty Corporation aka Upgrade Realty, Respondent's

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1 employing broker), was forced to file a fraudulent transfer report with Upgrade Realty's bank in  
2 order for Upgrade Realty to receive its commission.

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4 Respondent's representations and/or actions, as alleged above, were substantially  
5 fraudulent, misleading, dishonest and deceitful and were known by Respondent to be  
6 substantially fraudulent, misleading, dishonest and deceitful during the transaction of the  
7 Subject Property.

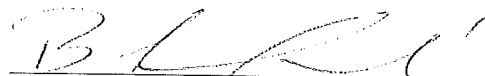
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9 The acts and/or omissions of Respondent, as alleged above, constitute acts of  
10 fraud and/or dishonesty and are grounds for the suspension or revocation of all licenses and  
11 license rights of Respondent pursuant to sections 10177(j) and/or 10177(g) of the Code.

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13 COST RECOVERY

14 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
15 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
16 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
17 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

18 WHEREFORE, Complainant prays that a hearing be conducted on the  
19 allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all  
20 licenses and license rights of all Respondents named herein under the Real Estate Law (Part 1  
21 of Division 4 of the Business and Professions Code), for the cost of investigation and  
22 enforcement as permitted by law, and for such other and further relief as may be proper under  
23 other provisions of law.

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25 BREND A SMITH  
26 Deputy Real Estate Commissioner

27 Dated at Fresno, California,

this 26 day of November, 2013.

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DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.