

**FILED**

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BUREAU OF REAL ESTATE

By S. Blech

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: ) No. H-2957 FR  
12 HAROLD JOSE ZAPATA, ) ACCUSATION  
13 Respondent. )  
14 \_\_\_\_\_ )

15 The Complainant, BRENDA J. SMITH, acting in her official capacity as a  
16 Supervising Special Investigator of the State of California, for cause of Accusation against  
17 HAROLD JOSE ZAPATA ("Respondent"), is informed and alleges as follows:

18 1.

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

21 2.

22 On or about January 8, 2014, the California Department of Business Oversight  
23 ("DBO") issued a Desist and Refrain Order against Respondent and Respondent's business  
24 partners for offering and selling securities by means of written and oral communications  
25 containing material misrepresentations and omissions of fact.

26 ///

27 ///

1 3.

2 On or about March 4, 2014, Respondent notified the Bureau of Real Estate  
3 (“Bureau”) that his main office address was 1526 W Clairage, Hanford, California 93230  
4 (“Respondent’s main office address”).

5 4.

6 On or about January 6, 2015, an investigator for the Bureau (“Bureau  
7 Investigator”) sent a letter by certified mail to Respondent’s main office address indicating the  
8 Bureau wished to meet with Respondent to discuss the nature and circumstances of DBO’s  
9 Desist and Refrain Order described above in Paragraph 2. On or about January 28, 2015, the  
10 Bureau received the Bureau Investigator’s January 6, 2015 letter to Respondent back with a  
11 notification on the outside of the envelope stating “Return to Sender, Unclaimed, Unable to  
12 Forward.”

13 5.

14 On or about March 12, 2015, the Bureau Investigator sent a letter by certified  
15 mail to Respondent’s main office address indicating the Bureau wished to meet with  
16 Respondent to discuss the nature and circumstances of DBO’s Desist and Refrain Order  
17 described above in Paragraph 2. On or about April 8, 2015, the Bureau received the Bureau  
18 Investigator’s March 12, 2015 letter to Respondent back with a notification on the outside of the  
19 envelope stating “Return to Sender, Unclaimed, Unable to Forward.”

20 6.

21 On or about March 24, 2015, the Bureau Investigator attempted to locate  
22 Respondent’s main office address online but was unsuccessful. Instead, the Bureau Investigator  
23 located a similar address in Hanford, California located at 1526 W Claridge Court, Hanford,  
24 California 93230.

25 7.

26 On March 24, 2015, at approximately 1:30 PM, the Bureau Investigator drove to  
27 1526 W Claridge Court, Hanford, California 93230 to interview Respondent. Upon arriving,

1 the Bureau Investigator noticed that 1526 W Claridge Court, Hanford, California 93230 is a  
2 residence located in a quiet neighborhood. The Bureau Investigator attempted to make contact  
3 with the residents at the address by ringing the doorbell twice but nobody answered. He then  
4 looked in the window and noticed the residence was completely empty. The Bureau  
5 Investigator then spoke with the owner of the property directly to the east of the residence who  
6 informed the Bureau Investigator that Respondent no longer lived at 1526 W Claridge Court,  
7 Hanford, California 93230.

8 8.

9 At no time from March 4, 2014, to the filing of this Accusation has the Bureau  
10 received notice that Respondent's main office address has changed from 1526 W Clairage,  
11 Hanford, California 93230.

12 9.

13 The acts and or omissions of Respondent, as alleged above, violate section 10162  
14 of the Business and Professions Code ("the Code") and title 10, section 2715, California Code  
15 of Regulations and are grounds for the revocation or suspension of Respondent's licenses and/or  
16 license rights under section 10177(d) of the Code.

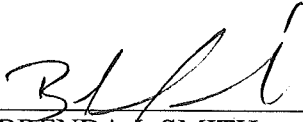
17 COST RECOVERY

18 10.

19 The Bureau will seek to recover costs of the investigation and prosecution of this  
20 case pursuant to section 10106 of the Code which provides, in pertinent part, that in any order  
21 issued in resolution of a disciplinary proceeding before the Bureau, the commissioner may  
22 request the administrative law judge to direct a licensee found to have committed a violation of  
23 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of  
24 the case.

25 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
26 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and  
27 license rights of Respondent under the Real Estate Law, for the costs of investigation and

1 enforcement as permitted by law, and for such other and further relief as may be proper under  
2 other provisions of law.

3   
4 BREND A. SMITH  
5 Supervising Special Investigator

6 Dated at Fresno California, on  
7 this 30 day of July, 2015.

8  
9 DISCOVERY DEMAND

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