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1	CHERYL D. KEILY SBN# 94008										
2	Bureau of Real Estate										
3	320 West 4th Street, Suite 350   DEC 1 1 2015     Los Angeles, California 90013-1105   BUREAU OF REAL ESTATE										
4	Telephone: (213) 576-6982										
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9											
	BEFORE THE BUREAU OF REAL ESTATE										
10	STATE OF CALIFORNIA										
11	* * *										
12	In the Matter of the Accusation of ) No. H-02975 FR										
13	FERNANDO CONTRERAS, ) A C C U S A T I O N										
14	FERNANDO CONTRERAS, ) <u>A C C U S A T I O N</u>										
15	Respondent.										
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17											
18	The Complainant, Brenda Smith, a Supervising Special Investigator of the State										
19	of California, for cause of Accusation against FERNANDO CONTRERAS, (hereinafter										
20	"Respondent"), is informed and alleges as follows:										
21	1.										
22	The Complainant, Brenda Smith, a Supervising Special Investigator of the State										
23	of California, makes this Accusation in her official capacity.										
24	2.										
	Respondent is presently licensed and/or has license rights under the Real Estate										
25	Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real										
26	estate broker. Respondent's license is scheduled to expire on August 9, 2018.										
27											
	BUREAU OF REAL ESTATE										
	MI SUCCESSION OF THE PROPERTY										

ACCUSATION RE: CONTRERAS

## PRIOR DISCIPLINE

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On or about January 23, 2007, in Case No. H-2022 FR, the Commissioner of the Bureau of Real Estate denied Respondent's application for a real estate salesperson license pursuant to the provisions of Code Section 10177(b) [criminal conviction]. The denial of Respondent's license application was subject to his right to apply for and be issued a restricted real estate salesperson license on the terms and conditions specified in the Decision. On or about February 10, 2007, Respondent was issued a restricted salesperson license. Thereafter, on or about May 27, 2010, Respondent was issued an unrestricted real estate salesperson license. On or about August 10, 2010, Respondent was issued a broker license.

4.

At all times relevant herein, Respondent was engaged in the business of buying and selling real property in partnership with Murad Durwish ("Durwish"). Respondent and Durwish operate their activities through a company called Alta Sierra LLC ("Alta Sierra"). Neither Durwish nor Alta Sierra is licensed by the Bureau in any capacity.

5.

Whenever acts referred to below are attributed to Respondent those acts are alleged to have been done by Alta Sierra, acting alone, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but not limited to Durwish.

6.

In or around January, 2013, real property owned by Tori F. ("Owner") and located at 2604 Echo Avenue, Bakersfield, California ("Property"), was listed for sale as a short sale conditioned on the approval of the transaction by Well Fargo Home Mortgage ("Wells Fargo").

7.

On or about January 11, 2013, Respondent made an offer of \$40,000 to purchase the Property. Thereafter, on or about January 30, 2013, Respondent increased the purchase price

BUREAU OF REAL ESTATE
ACCUSATION RE: CONTRERAS

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in	the	offer to	\$47	,000,	which	was a	approved	by	Wells	Fargo.

8.

The agreement for the sale of the Property was subject to Wells Fargo's short sale conditions, which were set forth in a Short Sale Affidavit ("Affidavit") executed by Respondent on or about February 1, 2013. By the terms of the Affidavit Respondent represented and agreed as follows: (a) that the Property would not be sold within 90 days of the closing date of the real estate purchase contract dated January 11, 2013; (b) that the Property would not be sold within 120 days after the closing date without having substantially refurbished or added value to the Property; and (c) that the Property would not be rented to the Owner after the closing of the real estate purchase contract for the Property.

9.

On or about February 19, 2013, escrow for the purchase and sale of the Property by Respondent through Alta Sierra closed at a sales price of \$47,000.

10.

On or about February 25, 2013, in violation of terms and conditions enumerated as (a) and (b) of the Affidavit described in Paragraph 8, above, Respondent re-sold the Property to Ramon S. for a purchase price of \$65,000.

11.

The conduct, acts and/or omissions of Respondent, as described herein above, constitutes the making of a substantial misrepresentation, making a false promise, negligence and fraud or dishonest dealing, and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent under the provisions of Code Section 10177(j) [fraud or dishonest dealing as a principal].

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

FERNANDO CONTRERAS Brenda Smith Sacto.

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