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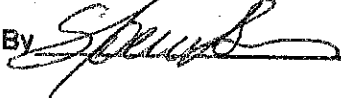
CHERYL D. KEILY SBN# 94008
Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED

JAN 06 2016

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-02975 FR
)	
FERNANDO CONTRERAS,)	<u>FIRST AMENDED</u>
)	<u>ACCUSATION</u>
)	
Respondent.)	
)	

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, for cause of Accusation against FERNANDO CONTRERAS, (hereinafter "Respondent"), is informed and alleges as follows:

1.

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

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, hereinafter "Code"), as a real estate broker. Respondent's license is scheduled to expire on August 9, 2018.

1. PRIOR DISCIPLINE

2. 3.

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

11. 4.

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

16. 5.

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

20. 6.

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

25. 7.

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

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

2 8.

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

11 9.

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

14 10.

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

18 11.

19 The conduct, acts and/or omissions of Respondent, as described herein above,
20 constitutes the making of a substantial misrepresentation (Code Section 10176(a)), making a
21 false promise (Code Section 10176(b)), negligence (Code Section 10177(g)) and fraud or
22 dishonest dealing (Code Section 10176(i) or Code Section 10177(j)), and is cause for the
23 suspension or revocation of all real estate licenses and license rights of Respondent under the
24 provisions of Code Section 10177(d).

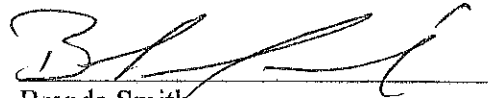
25 Code Section 10106 provides, in pertinent part, that in any order issued in
26 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
27

1 administrative law judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
5 disciplinary action against all licenses and/or license rights of Respondent FERNANDO
6 CONTRERAS under the Real Estate Law, for the cost of investigation and enforcement as
7 permitted by law, and for such other and further relief as may be proper under other provisions
8 of law.

9 Dated at Fresno, California

10 this 4 day January, 2016.

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15 Brenda Smith
16 Supervising Special Investigator
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