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FILED

DEC 15 2016

BUREAU OF REAL ESTATE

By *A. Delo*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of	)	No. H- 03071 FR
	)	
JAMES PETER LA MARCA, doing	)	<u>A C C U S A T I O N</u>
business as Avila Beach Realty,	)	
Key Management, Key Property	)	
Management, and Mid-Coast Realty,	)	
and STELLA JODI RAMIREZ,	)	
	)	
Respondents.	)	

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, for cause of Accusation against JAMES PETER LA MARCA, doing business as Avila Beach Realty, Key Management, Key Property Management, and Mid-Coast Realty, and STELLA JODI RAMIREZ ("Respondents"), is informed and alleges as follows:

1.

The Complainant, Brenda Smith, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against JAMES PETER LA MARCA and STELLA JODI RAMIREZ.

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Accusation of James Peter La Marca and Stella Jodi Ramirez

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

LICENSE HISTORY

3.

(a) At all times mentioned, Respondent JAMES PETER LA MARCA ("LA MARCA") was licensed and/or had license rights issued by the Bureau of Real Estate ("Bureau") as a real estate broker. LA MARCA was originally licensed as a real estate broker on February 14, 2008.

(b) At all times mentioned, Respondent STELLA JODI RAMIREZ ("RAMIREZ") was licensed and/or had license rights issued by the Bureau as a real estate salesperson. RAMIREZ was originally licensed as a real estate salesperson on June 25, 2002.

(c) From June 25, 2002 to September 25, 2013, RAMIREZ had no broker affiliation. From September 26, 2013, through March 16, 2014, RAMIREZ was affiliated with employing broker LA MARCA. From March 17, 2014, through February 22, 2016, RAMIREZ had no broker affiliation. From February 23, 2016, through the present, RAMIREZ was affiliated with employing broker LA MARCA.

BROKERAGE

JAMES PETER LA MARCA and STELLA JODI RAMIREZ

4.

At all times mentioned, in the City of Grover Beach, County of San Luis Obispo, LA MARCA and RAMIREZ acted as real estate brokers, conducting licensed activities within the meaning of Code Section 10131(b): leasing or renting real property for others.

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AUDIT

JAMES PETER LA MARCA and STELLA JODI RAMIREZ

5.

On September 30, 2016, the Bureau completed audit examinations of the books and records of LA MARCA and RAMIREZ pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examinations covered a period of time from March 1, 2014, to May 31, 2016. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report FR 15-0038 and the exhibits and workpapers attached to said audit report.

VIOLATIONS OF THE REAL ESTATE LAW

6.

In the course of activities described in Paragraph 4 above and during the examination periods described in Paragraph 5 above, Respondents LA MARCA and RAMIREZ acted in violation of the Code and the Regulations in that:

(a) LA MARCA did not maintain a record of all trust funds disbursed in connection with the property management activities, in violation of Code Section 10145 and Regulation 2831.

(b) RAMIREZ acted as a real estate broker, conducting licensed activities, leasing or renting real property for others, while not affiliated with an employing broker, in violation of Code Sections 10130 and 10131(b).

(c) LA MARCA and RAMIREZ used the unlicensed fictitious business names "Key Management" and "Key Property Management" during the audit period, in violation of Code Section 10159.5 and Regulation 2731. LA MARCA obtained licenses from the Bureau to use the fictitious business names "Key Management" and "Key Property Management" on February 29, 2016.

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(d) LA MARCA maintained a branch office with the Bureau at 1239 E Grand Avenue, Arroyo Grande, CA 93420. LA MARCA closed the branch office at this address around 2014 but did not inform the Real Estate Commissioner until 2016, in violation Code Section 10163 and Regulation 2715.

(e) LA MARCA opened a branch office at 901 W Grand Avenue, Grover Beach, CA 93433 around 2014 but did not inform the Real Estate Commissioner until February 29, 2016, in violation Code Section 10163 and Regulation 2715.

(f) LA MARCA and RAMIREZ entered into an Independent Contractor Agreement on October 1, 2013, specifying that LA MARCA was not compensating RAMIREZ and that RAMIREZ was compensated directly by owners of property managed. RAMIREZ received compensation directly from owners of property managed, in violation Code Section 10137.

7.

The conduct, acts, or omissions of Respondents, described in Paragraph 6 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
6(a)	Code Section 10145 and Regulation 2831 (LA MARCA)
6(b)	Code Sections 10130 and 10131(b) (RAMIREZ)
6(c)	Code Section 10159.5 and Regulation 2731 (LA MARCA and RAMIREZ)
6(d)	Code Section 10163 and Regulation 2715 (LA MARCA)
6(e)	Code Section 10163 and Regulation 2715 (LA MARCA)
6(f)	Code Section 10137 (RAMIREZ)

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1 The foregoing violations constitute cause for the suspension or revocation of all
2 the real estate licenses and license rights of Respondents LA MARCA and RAMIREZ pursuant
3 to the provisions of Code Sections 10165, 10177(d), and/or 10177(g).

4 SUPERVISION AND COMPLIANCE

5 8.

6 The conduct, acts, or omissions of Respondent LA MARCA, as described in
7 Paragraphs 4 through 7 above, constituted a failure on his part to exercise reasonable
8 supervision and control over the licensed activities of RAMIREZ and to keep RAMIREZ in
9 compliance with the Real Estate Law, and is cause for the suspension or revocation of all the
10 real estate licenses and license rights of LA MARCA pursuant to the provisions of Code
11 Sections 10177(d), 10177(g) and 10177(h).

12 FALSE STATEMENT ON LICENSE RENEWAL APPLICATION

13 9.

14 On or about May 20, 2014, Respondent RAMIREZ certified and submitted her
15 Salesperson Renewal Application.

16 10.

17 In response to Question 12 of the Salesperson Renewal Application, to wit, "ON
18 THE RENEWAL DATE, WILL YOU BE ENGAGED IN REAL ESTATE ACTIVITIES FOR
19 WHICH A CALIFORNIA REAL ESTATE LICENSE IS REQUIRED? IF YES, COMPLETE
20 ITEM 26-32. BROKER MUST SIGN AND COMPLETE BROKER INFORMATION ON
21 PAGE 2," Respondent RAMIREZ answered "NO," and did not complete the Employing Broker
22 Information.

23 11.

24 Respondent RAMIREZ's license renewal effective date was on or about
25 July 18, 2014.

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12.

Respondent RAMIREZ was engaged in real estate activities for which a California Real Estate License was required, leasing or renting real property for others, before, on, and after May 20, 2014, and before, on, and after July 18, 2014.

13.

Respondent RAMIREZ's answer of "NO" to Question 12 of the Salesperson Renewal Application and failure to complete the Employing Broker Information when RAMIREZ was engaged in real estate activities for which a California Real Estate License was required constitutes procurement of a real estate license renewal by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, and constitutes cause under Section 10177(a) of the Code for the suspension or revocation of all the real estate licenses and license rights of Respondent RAMIREZ under the Real Estate Law.

14.

Respondent RAMIREZ's answer of "NO" to Question 12 of the Salesperson Renewal Application and failure to complete the Employing Broker Information when RAMIREZ was engaged in real estate activities for which a California Real Estate License was required involves dishonesty, fraud, or deceit, which constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondent RAMIREZ under the provisions of Code Section 10177(j).

15.

Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has found in a final decision, following a disciplinary hearing, that the broker has violated Code Section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.

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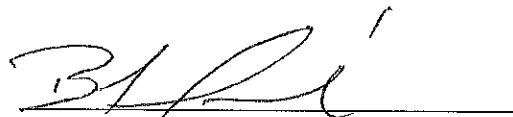
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Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed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

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 the real estate licenses and license rights of Respondents JAMES PETER LA MARCA and STELLA JODI RAMIREZ under the Real Estate Law, for the cost of audit, investigation, and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Fresno, California

this 2 day of December, 2016



Brenda Smith
Supervising Special Investigator

cc: JAMES PETER LA MARCA
STELLA JODI RAMIREZ
Brenda Smith
Sacto.
Audits