

FILED

MAR 26 2018

BUREAU OF REAL ESTATE

By Reid

1 JASON D. LAZARK, Counsel
2 State Bar No. 263714
3 Bureau of Real Estate
4 P.O. Box 137007
5 Sacramento, CA 95813-7007

6 Telephone: (916) 263-8670
7 (916) 263-8684 (Direct)

8 Fax: (916) 263-8668

9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

<p>12 In the Matter of the Accusation of:</p> <p>13 FRED W. DE LEON and,</p> <p>14 JENNIFER ELAINE YAGER,</p> <p style="text-align: right;">15 Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>16 No. H -3087 FR</p> <p>17 <u>ACCUSATION</u></p>
---	-------------------------------------	--

18 The Complainant, BRENDA SMITH, acting in her official capacity as a
19 Supervising Special Investigator of the State of California, for cause of Accusation against FRED
20 W. DE LEON ("DE LEON") and JENNIFER ELAINE YAGER ("YAGER") collectively
21 referred to herein as ("Respondents"), is informed and alleges as follows:

22 1

23 DE LEON is presently licensed and/or has license rights under the Real Estate
24 Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate broker.
25 At all relevant times, DE LEON served as YAGER's supervising broker.

26 2

27 YAGER is presently licensed and/or has license rights under the Real Estate Law
as a real estate salesperson. From April 22, 2015, until November 3, 2015, YAGER's real estate
salesperson license was revoked. At no time relevant to this Accusation has Respondent been
licensed by the Bureau of real estate ("Bureau") as a real estate broker.

At all times mentioned herein, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate licensees, in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondents 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 sale of real property.

FIRST CAUSE OF ACTION

Unlicensed Activity Regarding 5563 E. Florence Ave., Fresno, CA
(As to YAGER only)

Each and every allegation set forth above in Paragraphs 1 through 3, inclusive, is incorporated by this reference as if fully set forth herein.

On or about September 25, 2015, YAGER agreed to represent both the buyer and the seller in the purchase and sale of real property located at 5563 E. Florence Ave., Fresno, CA 93727 ("E. Florence Ave."), during a time that YAGER knew her license was expired.

In or about September 25, 2015, in furtherance of YAGER's representation of the buyer and the seller regarding the E. Florence Ave. transaction, YAGER executed numerous documents including, but not limited to: Residential Purchase Agreement and Joint Escrow Instructions as Real Estate Broker; Disclosure Regarding Real Estate Relationship; and Possible Representation of More Than One Buyer Or Seller – Disclosure and Consent.

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

7

On or about February 5, 2016, Foundation Escrow issued a check payable to Commission Express in the amount of \$6,325.00 for YAGER's commission regarding the E. Florence Ave. transaction.

8

In acting as described above in Paragraphs 4 through 7, YAGER willfully disregarded Section 10130 of the Code.

9

The facts alleged in the Paragraphs 4 through 8 are grounds for the suspension or revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

SECOND CAUSE OF ACTION

Unlicensed Activity Regarding 6541 W. Alamos Ave., Fresno, CA
(As to YAGER only)

10

Each and every allegation set forth above in Paragraphs 1 through 9, inclusive, is incorporated by this reference as if fully set forth herein.

11

On or about October 1, 2015, YAGER agreed to represent the seller in the sale of real property located at 6541 W. Alamos Ave., Fresno, CA 93723 ("W. Alamos Ave.") during a time that YAGER knew her license was expired.

12

In or about October 2015, in furtherance of YAGER's representation of the seller regarding the W. Alamos Ave. transaction, YAGER executed numerous documents including, but not limited to: Residential Purchase Agreement and Joint Escrow Instructions as Real Estate

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

13

On or about October 27, 2015, First American Title Company issued a check payable to Copper Ridge Real Estate in the amount of \$4,300.00 for YAGER's commission regarding the W. Alamos Ave. transaction.

14

In acting as described above in Paragraphs 10 through 13, YAGER willfully disregarded Section 10130 of the Code.

15

The facts alleged in the Paragraphs 10 through 14 are grounds for the suspension or revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

THIRD CAUSE OF ACTION

Unlicensed Activity Regarding 719 N. Fordham Ave., Clovis, CA
(As to YAGER only)

16

Each and every allegation set forth above in Paragraphs 1 through 15, inclusive, is incorporated by this reference as if fully set forth herein.

17

On or about October 14, 2015, YAGER agreed to represent the seller in the sale of real property located at 719 N. Fordham Ave., Clovis, CA 93611 ("N. Fordham Ave.") during a time that YAGER knew her license was expired.

18

On or about October 14, 2015, in furtherance of YAGER's representation of the seller regarding the N. Fordham Ave. transaction, YAGER executed numerous documents including, but not limited to: Residential Purchase Agreement and Joint Escrow Instructions as Real Estate Broker; Possible Representation of More Than One Buyer Or Seller – Disclosure and Consent; and Disclosure Regarding Real Estate Relationship.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

19

On or about November 10, 2015, Placer Title Company issued a check payable to Copper River Real Estate in the amount of \$6,247.50 for YAGER's commission regarding the N. Fordham Ave. transaction.

20

In acting as described above in Paragraphs 16 through 19, YAGER willfully disregarded Section 10130 of the Code.

21

The facts alleged in the Paragraphs 16 through 20 are grounds for the suspension or revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

COUNT FOUR
FAILURE TO SUPERVISE
(As to Respondent DE LEON only)

22

Each and every allegation in Paragraphs 1 through 21, inclusive, above, is incorporated by this reference as if fully set forth herein.

23

DE LEON, as the supervising broker of YAGER, was required to exercise reasonable supervision and control over the real estate activities of YAGER.

24

DE LEON failed to exercise reasonable supervision over the acts and/or omissions of YAGER in such a manner as to allow the acts and/or omissions, as described above in COUNT ONE, COUNT TWO and COUNT THREE of the Accusation to occur, which constitutes cause for the suspension or revocation of the license(s) and license rights of DE LEON under Sections 10177(d) and/or 10177(g), 10177(h) and 10159.2 of the Code, in conjunction with Section 2725 of the Regulations.

///

