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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 -3087 FR
12	FRED W. DE LEON and,
13	CANNIER ELAINE FAGER,
14	Respondents.
15	The Complainant, BRENDA SMITH, acting in her official capacity as a
16	Supervising Special Investigator of the State of California, for cause of Accusation against FRED
17	W. DE LEON ("DE LEON") and JENNIFER ELAINE YAGER ("YAGER") collectively
18	referred to herein as ("Respondents"), is informed and alleges as follows:
19	1
·20	DE LEON is presently licensed and/or has license rights under the Real Estate
21	Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate broker.
22	At all relevant times, DE LEON served as YAGER's supervising broker.
23	2
24	YAGER is presently licensed and/or has license rights under the Real Estate Law
25	as a real estate salesperson. From April 22, 2015, until November 3, 2015, YAGER's real estate
26	salesperson license was revoked. At no time relevant to this Accusation has Respondent been
27	licensed by the Bureau of real estate ("Bureau") as a real estate broker.
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2	At all times mentioned herein, Respondents engaged in the business of, acted in	
3	the capacity of, advertised, or assumed to act as real estate licensees, in the State of California,	
4	within the meaning of Section 10131(a) of the Code, including the operation and conduct of a	
5	real estate brokerage with the public, wherein, on behalf of others, for compensation or in	
6	expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,	
7	solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated	
8	the purchase and sale of real property.	
9	FIRST CAUSE OF ACTION	
10	Unlicensed Activity Regarding 5563 E. Florence Ave., Fresno, CA (As to YAGER only)	
11	4	
12	Each and every allegation set forth above in Paragraphs 1 through 3, inclusive, is	
13	incorporated by this reference as if fully set forth herein.	
14	5	
15	On or about September 25, 2015, YAGER agreed to represent both the buyer and	
16	the seller in the purchase and sale of real property located at 5563 E. Florence Ave., Fresno, CA	
17	93727 ("E. Florence Ave."), during a time that YAGER knew her license was expired.	
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19	6	
20	In or about September 25, 2015, in furtherance of YAGER's representation of the	
21	buyer and the seller regarding the E. Florence Ave. transaction, YAGER executed numerous	
22	documents including, but not limited to: Residential Purchase Agreement and Joint Escrow	
23	Instructions as Real Estate Broker; Disclosure Regarding Real Estate Relationship; and Possible	
24	Representation of More Than One Buyer Or Seller – Disclosure and Consent.	
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3	On or about February 5, 2016, Foundation Escrow issued a check payable to	
4	Commission Express in the amount of \$6,325.00 for YAGER's commission regarding the E.	
5	Florence Ave. transaction.	
6	8	
7	In acting as described above in Paragraphs 4 through 7, YAGER willfully	
8	disregarded Section 10130 of the Code.	
9	9	
10	The facts alleged in the Paragraphs 4 through 8 are grounds for the suspension or	
11	revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in	
12	conjunction with Section 10177(d) of the Code.	
13		
14 15	SECOND CAUSE OF ACTION Unlicensed Activity Regarding 6541 W. Alamos Ave., Fresno, CA (As to YAGER only)	
16	10	
17	Each and every allegation set forth above in Paragraphs 1 through 9, inclusive, is	
18	incorporated by this reference as if fully set forth herein.	
19	11	
20	On or about October 1, 2015, YAGER agreed to represent the seller in the sale of	
21	real property located at 6541 W. Alamos Ave., Fresno, CA 93723 ("W. Alamos Ave.") during a	
22	time that YAGER knew her license was expired.	
23	12	
24	In or about October 2015, in furtherance of YAGER's representation of the seller	
25	regarding the W. Alamos Ave. transaction, YAGER executed numerous documents including,	
26	but not limited to: Residential Purchase Agreement and Joint Escrow Instructions as Real Estate	
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2	On or about October 27, 2015, First American Title Compay issued a check	
3	payable to Copper Ridge Real Estate in the amount of \$4,300.00 for YAGER's commission	
4	regarding the W. Alamos Ave. transaction.	
5	14	
6	In acting as described above in Paragraphs 10 through 13, YAGER willfully	
7	disregarded Section 10130 of the Code.	
8	15	
9	The facts alleged in the Paragraphs 10 through 14 are grounds for the suspension	
10	or revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in	
11	conjunction with Section 10177(d) of the Code.	
12 13	THIRD CAUSE OF ACTION Unlicensed Activity Regarding 719 N. Fordham Ave., Clovis, CA (As to YAGER only)	
14	16	
15	Each and every allegation set forth above in Paragraphs 1 through 15, inclusive, is	
16	incorporated by this reference as if fully set forth herein.	
17	17	
18	On or about October 14, 2015, YAGER agreed to represent the seller in the sale of	
19	real property located at 719 N. Fordham Ave., Clovis, CA 93611 ("N. Fordham Ave.") during a	
20	time that YAGER knew her license was expired.	
21	18	
22	On or about October 14, 2015, in furtherance of YAGER's representation of the	
23	seller regarding the N. Fordham Ave. transaction, YAGER executed numerous documents	
24	including, but not limited to: Residential Purchase Agreement and Joint Escrow Instructions as	
25	Real Estate Broker; Possible Representation of More Than One Buyer Or Seller – Disclosure and	
26	Consent; and Disclosure Regarding Real Estate Relationship.	
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2	On or about November 10, 2015, Placer Title Company issued a check payable to	
3	Copper River Real Estate in the amount of \$6,247.50 for YAGER's commission regarding the N.	
4	Fordham Ave. transaction.	
5	20	
6	In acting as described above in Paragraphs 16 through 19, YAGER willfully	
7	disregarded Section 10130 of the Code.	
8	21	
9	The facts alleged in the Paragraphs 16 through 20 are grounds for the suspension	
10	or revocation of YAGER's license and license rights pursuant to Section 10130 of the Code in	
11	conjunction with Section 10177(d) of the Code.	
12	<u>COUNT FOUR</u> FAILURE TO SUPERVISE	
13	(As to Respondent DE LEON only)	
14	22	
15	Each and every allegation in Paragraphs 1 through 21, inclusive, above, is	
16	incorporated by this reference as if fully set forth herein.	
17	23	
18	DE LEON, as the supervising broker of YAGER, was required to exercise	
19	reasonable supervision and control over the real estate activities of YAGER.	
20	24	
21	DE LEON failed to exercise reasonable supervision over the acts and/or	
22	omissions of YAGER in such a manner as to allow the acts and/or omissions, as described above	
23	in COUNT ONE, COUNT TWO and COUNT THREE of the Accusation to occur, which	
24	constitutes cause for the suspension or revocation of the license(s) and license rights of DE	
25	LEON under Sections 10177(d) and/or 10177(g), 10177(h) and 10159.2 of the Code, in	
26	conjunction with Section 2725 of the Regulations.	
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1 2	COUNT FIVE UNLAWFUL COMPENSATION (As to Respondents DE LEON and YAGER)	
2	25	
4	Each and every allegation in Paragraphs 1 through 24, inclusive, above, is	
5	incorporated by this reference as if fully set forth herein.	
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7	On or about October 16, 2015, DE LEON paid YAGER \$7,500 for commissions	
8	YAGER earned for performing services requiring a real estate salesperson license while	
9	YAGER's license was expired.	
10	27	
11	On or about November 4, 2015, DE LEON paid YAGER \$4,500 for commissions	
12	YAGER earned for performing services requiring a real estate salesperson license while	
13	YAGER's license was expired.	
14	28	
15	At the time that YAGER received the compensation, as alleged above in	
16	Paragraphs 26 and 27, both DE LEON and YAGER knew, or should have known, that YAGER's	3
17	salesperson license was expired.	
18	29	
19	The facts alleged in the Paragraphs 25 through 28 are grounds for the suspension	
20	or revocation of the license and license rights of DE LEON and YAGER pursuant to Section	
21	10130 of the Code in conjunction with Section 10177(d) of the Code.	
22	COST RECOVERY	
23	30	2
24	Section 10106 of the Code provides, in pertinent part, that in any order issued in	
25	resolution of a disciplinary proceeding before the Department, the Commissioner may request the	
26	Administrative Law Judge to direct a licensee found to have committed a violation of this part to	
27	pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.	
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations 1 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses, 2 license rights, endorsements and endorsement rights of Respondent under the Real Estate Law 3 (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and 4 enforcement as permitted by law, and for such other and further relief as may be proper under 5 other provisions of law. 6 7 8 **BRENDA SMITH** 9 Supervising Special Investigator 10 Dated at Fresno, California, 11 this 1.5day of March _ . 2018. 12 **DISCOVERY DEMAND** 13 Pursuant to Sections 11507.6, et seq. of the Administrative Procedure Act, the 14 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the 15 Administrative Procedure Act. Failure to provide Discovery to the Bureau may result in the 16 exclusion of witnesses and documents at the hearing or other sanctions that the Office of 17 Administrative Hearings deems appropriate. 18 19 20 21 22 23 24 25 26 27

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