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FILED

NOV 1 2018

DEPARTMENT OF REAL ESTATE

By R. Krueger

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 ALBERT LIMA BARCELOS,)

13 Respondent.)

No. H-3208 FR

ACCUSATION

14 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
15 State of California, for cause of Accusation against ALBERT LIMA BARCELOS (Respondent),
16 is informed and alleges as follows:

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18 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
19 State of California, makes this Accusation in her official capacity.

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21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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24 At all times mentioned, Respondent was and is licensed by the State of California
25 Department of Real Estate (Department) as a real estate salesperson. Beginning on or about July
26 14, 2015, and continuing through November 2, 2017, Respondent's salesperson license was
27 affiliated under the brokerage of Gonella Realty Inc. (Gonella).

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On or about June 21, 2017, Respondent entered into a listing agreement to sell the property owned by Pamela Y. (Pamela) located at 2671 Granite Drive, Atwater (property).

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On or about July 16, 2017, Respondent hosted an open house at the property. Pamela was not present during the open house. Respondent, without Pamela's knowledge and/or permission, removed tools from Pamela's garage.

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The acts and/or omissions of Respondent as described above violate Sections 10176(i) and 10177(j) of the Code, and are grounds for the revocation or suspension of all Respondent's licenses and/or license rights.

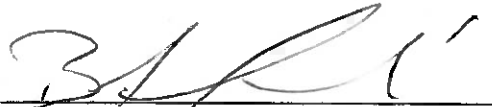
COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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 discipline on all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement of this case as permitted by law, and for such other and further relief as may be proper under the provisions of law.

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BRENDA SMITH
Supervising Special Investigator

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Dated at Fresno, California,
this 25 day of October, 2018

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.