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**FILED**

APR 01 2020

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 JOHN GUIDO DAVI, ) No. H-3285 FR  
13 ) ACCUSATION  
14 Respondent. )  
\_\_\_\_\_ )

15 The Complainant, BRENDA SMITH, acting in her official capacity as a  
16 Supervising Special Investigator of the State of California, for this Accusation against JOHN  
17 GUIDO DAVI ("Respondent"), is informed and alleges as follows:

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19 Respondent is presently licensed and/or has license rights under the Real Estate  
20 Law, Part 1 of Division 4 of the Business and Professions Code ("Code") by the Department of  
21 Real Estate ("Department") as a real estate broker.

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23 At all times herein mentioned, Respondent conducted real estate activity under his  
24 individual broker license and the fictitious business names "Davi Properties Group" and "Vega  
25 Investments." Respondent was not licensed by the Department to use the fictitious business name  
26 "Vega Investments."

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At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from real property, or improvements thereon, or from business opportunities.

On or about March 6, 2019, and continuing intermittently through March 8, 2019, an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of January 1, 2017, through January 31, 2019.

Respondent, while acting as a real estate broker, as described in Paragraph 3, accepted or received funds in trust ("trust funds") from or on behalf of owners, lessees and others in connection with property management activities, and deposited those funds into bank accounts maintained by Respondent, at the following financial institutions, including but not limited to the following:

ACCOUNT # 1	
Bank Name and Location:	Bank of America 200 E. Franklin Street, Monterey, CA 93940
Account No.:	XXXXXXXXXX3805
Entitled:	Nelson Vega Sole Prop DBA Vega Investments David Apartments Account

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ACCOUNT # 2	
Bank Name and Location:	Bank of America 200 E. Franklin Street, Monterey, CA 93940
Account No.:	XXXXXXXXX9571
Entitled:	DBA Vega Investments Nelson A Vega Sole Prop (Pine Apartments Account)
ACCOUNT # 3	
Bank Name and Location:	Bank of America 200 E. Franklin Street, Monterey, CA 93940
Account No.:	XXXXXXXXX3533
Entitled:	DBA Vega Investments Nelson A Vega Sole Prop (The Lewis Apartments Account)
ACCOUNT # 4	
Bank Name and Location:	Bank of America 200 E. Franklin Street, Monterey, CA 93940
Account No.:	XXXXXXXXX3643
Entitled:	Nelson Vega Sole Prop DBA Vega Investments 3060 Sunset Apartments Account
ACCOUNT # 5	
Bank Name and Location:	Bank of America 200 E. Franklin Street, Monterey, CA 93940
Account No.:	XXXXXXXXX3795
Entitled:	Nelson Vega Sole Prop DBA Vega Investments Del Monte Account
ACCOUNT # 6	
Bank Name and Location:	1st Capital Bank

	470 Tyler Street, Monterey, CA 93940
Account No.:	XXXXXX6996
Entitled:	John G. Davi and Vita Davi

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In the course of the activities described in Paragraph 3, Respondent:

(a) Failed to set up Bank Accounts #1 through #5 in Respondent's name or his licensed DBA in violation of Section 10145(a) of the Code and Section 2832 of Title 10 of the California Code of Regulations ("Regulations");

(b) Failed to designate Bank Accounts #1 through #6 as trust accounts in the name of Respondent, as trustee, in violation of Section 10145(a) of the Code and Section 2832 of the Regulations;

(c) Conducted real estate activities using the fictitious business name "Vega Investments" without first registering the name with the Department in violation of Section 2731 of the Regulations; and

(d) Was not an authorized signer on Bank Accounts #1 through #5 during the audit period in violation of Section 2725 of the Regulations.

GROUNDS FOR DISCIPLINE

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The acts and/or omissions described above constitute violations of Sections 2725 (Broker Supervision), 2731 (Use of False/Fictitious Name), and 2832 (Bank Accounts Not Properly Designated as Trust Accounts) of the Regulations and Section 10145 (Trust Fund Handling) of the Code, and are grounds for discipline under Sections 10177(d) (willful disregard or violation of real estate law), 10177(g) (negligence or incompetence), and 10177(h) (failure to supervise) of the Code.

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1 COST RECOVERY

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3 The acts and/or omissions of Respondent as alleged above, entitle the Department  
4 to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund  
5 handling violation) of the Code.

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7 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
8 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
9 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
10 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
12 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
13 action against all licenses and license rights of Respondent under the Real Estate Law, for the  
14 cost of investigation and enforcement as permitted by law, and for such other and further relief as  
15 may be proper under other provisions of law.

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17 \_\_\_\_\_  
18 BRENDA SMITH  
19 Supervising Special Investigator

20 Dated at Fresno, California,  
21 this 19 day of March, 2020.

DISCOVERY DEMAND

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

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