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FILED

APR 01 2025

DEPARTMENT OF REAL ESTATE
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	
	)	No. H-3590 FR
JOSE VICTORIANO CIBRIAN and,	)	
NOE CARRANZA,	)	
	)	<u>ACCUSATION</u>
Respondents.	)	

The Complainant, RUBEN CORONADO, acting in his official capacity as a Supervising Special Investigator of the State of California, for this Accusation against JOSE VICTORIANO CIBRIAN ("CIBRIAN") and NOE CARRANZA ("CARRANZA") (collectively "Respondents"), is informed and alleges as follows:

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At all times mentioned herein, CIBRIAN was and is presently licensed by the Department of Real Estate ("Department"), under the California Business and Professions Code ("Code") as a salesperson, License No. 01976111.

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At all times mentioned herein, CARRANZA was and is presently licensed by the Department as a real estate salesperson, License No. 02123398.

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2 At all times mentioned herein, Respondents were employed by Klair Real Estate
3 Inc. ("Klair"), License No. 01520140.

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5 At all times mentioned, Respondents engaged in the business within the meaning
6 of Section 10131(a) of the Code, including the operation and conduct of a residential resale
7 brokerage wherein Respondents bought, sold, or offered to buy or sell, solicited, or obtained
8 listings of, and/or negotiated the purchase, sale or exchange of real property or business
9 opportunities, on behalf of others, all for or in expectation of compensation.

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11 Whenever acts referred to below are attributed to Respondents, those acts are
12 alleged to have been done by Respondents, acting by themselves, or by and/or through one or
13 more known or unknown agents, associates, and/or co-conspirators.

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15 On or about April 4, 2023, Respondents executed a Vacant Land Listing
16 Agreement with the owner of the property located at 3070 State Highway 132, La Grange, CA
17 95329 ("the Vacant Lot"), located in Tuolumne County. The agreement provided compensation
18 to Klair and required Respondents to market the property using the local multiple listing service
19 ("MLS").

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21 On or about April 10, 2023, the Vacant Lot was active on Metrolist MLS. The
22 public description of the lot stated:

23 "Introducing a unique opportunity to own a prime piece of land in the heart of La
24 Grange. This vacant lot spans an impressive 4.9 acres and is a blank canvas for
25 your creative vision.

26 Located in a highly desirable mixed-use zoning district, this property presents an
27 incredible opportunity for a variety of uses, including residential and commercial.

1 With its stunning natural beauty and convenient location, it's the perfect spot to
2 build your dream home, start a new business venture, or create a dynamic mixed-
3 use development.
4 Imagine waking up to breathtaking views of the creek and surrounding hills, or
5 opening your business to a steady stream of foot traffic and enthusiastic customers.
6 The possibilities are endless.
7 Whether you're a developer, investor, or simply looking to build your dream home
8 in a stunning natural setting, this is an opportunity not to be missed. Don't hesitate
9 – come home and explore this remarkable property today!"
10 The listing stated that the zoning was "RE-2, MX" and the zoning description stated
11 "Commercial, Residential, Mixed."

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13 The Vacant Lot was not zoned for mixed use. Pursuant to Section 17.20.030 of
14 the Tuolumne County Zoning Code, "R-2" zoning allows medium density residential homes
15 with limited commercial opportunities. Pursuant to Section 17.20.040 of the Tuolumne County
16 Zoning Code, "MX" zoning provides guidelines regarding mobile homes. Pursuant to Section
17 17.14.020 of the Tuolumne County Zoning Code, "MU" is mixed use zoning and allows
18 commercial activities such as professional offices, retail sales, hotels, nurseries, and other
19 typical commercial businesses. Respondents failed to check with the county's website to
20 determine the meaning of the zoning codes prior to listing the Vacant lot as mixed use.

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22 On or about April 13, 2023, a purchase contract was executed between the seller
23 and E.R., who was represented by Elaine Hogan, License No. 01993894. E.R. entered into the
24 purchase contract relying on the statements made in the MLS listing that the Vacant Lot was
25 zoned for mixed use.

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On or about May 5, 2023, escrow closed, and the Vacant Lot was transferred to
E.R.

GROUND FOR DISCIPLINE

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The acts and/or omissions as described above in Paragraphs 1-9, above,
constitute grounds for the suspension or revocation of the license and license rights of the
Respondents pursuant to Section 10177(g) (negligence or incompetence) of the Code.

COST RECOVERY

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The Department will seek to recover the costs of the investigation and prosecution
of this case pursuant to Section 10106 of the Code which 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 disciplinary
action against all licenses and license rights of Respondent under the Real Estate Law, for the

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1 cost of investigation and enforcement as permitted by law, and for such other and further relief
2 as may be proper under other provisions of law.

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5 RUBEN CORONADO
6 Supervising Special Investigator

7 Dated at Fresno, California,
8 this 19th day of March, 2025.

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