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**FILED**

JAN -9 2014

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H- 4564 SD
	)	
DANIEL ALVAREZ,	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	
	)	

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DANIEL ALVAREZ (hereafter "Respondent"), is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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2.

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2 Respondent is presently licensed and/or has license  
3 rights under the Real Estate Law as a real estate broker. On or  
4 about July 21, 2012, Respondent's license expired. On or about  
5 August 14, 2013, Respondent's license was suspended indefinitely  
6 pursuant to payment by the Bureau on Recovery Account No. R-  
7 4985. Pursuant to Business and Professions Code ("Code") Section  
8 10201 Respondent retains renewal rights. Pursuant to Section  
9 10103 of the Code the Bureau retains jurisdiction.

10  
11 3.

12 On or about January 4, 2012, the final judgment of the  
13 Superior Court of the State of California, County of San Diego,  
14 Case No. 37-2010-9511-CU-FR-CTL, was entered against Respondent  
15 based on the ground of fraud, misrepresentation, or deceit with  
16 reference to a transaction for which a real estate license is  
17 required. Punitive damages in the amount of \$20,000 were awarded  
18 against Respondent.

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20 4.

21 The facts set forth in Paragraph 3 constitute cause  
22 under Section 10177.5 of the Code for the suspension or  
23 revocation of all licenses and license rights of Respondent  
24 under the Real Estate Law.

25  
26 5.

27 On June 2, 2013, the Commissioner, based on the  
judgment referred to in Paragraph 3, above, issued a decision  
directing payment from the Recovery Account to Basilio D. and  
Angela M. The decision was based on a determination that this

1 judgment was based on fraud in connection with acts for which  
2 respondent's real estate license was required.

3 Code Section 10106 provides, in pertinent part, that  
4 in any order issued in resolution of a disciplinary proceeding  
5 before the Bureau, the Commissioner may request the  
6 administrative law judge to direct a licensee found to have  
7 committed a violation of this part to pay a sum not to exceed  
8 the reasonable costs of investigation and enforcement of the  
9 case.

10 WHEREFORE, Complainant prays that a hearing be  
11 conducted on the allegations of this Accusation and that upon  
12 proof thereof, a decision be rendered imposing disciplinary  
13 action against all licenses and/or license rights of Respondent  
14 DANIEL ALVAREZ under the Real Estate Law, for the cost of  
15 investigation and enforcement as permitted by Code Section  
16 10106, and for such other and further relief as may be proper  
17 under applicable provisions of law.

18 Dated at San Diego, California  
19 this 26<sup>th</sup> day of December, 2014.  
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23   
24 Veronica Kilpatrick  
25 Deputy Real Estate Commissioner

26 DANIEL ALVAREZ  
27 Veronica Kilpatrick  
Sacto.