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FILED

MAY 24 2016

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-04798 SD
12 TDE CAPITAL, INC.; TOMAS E.)
13 SCHOFF, individually and as) A C C U S A T I O N
14 designated officer of TDE Capital, Inc.;)
15 and DEMETRE D. BOOKER, JR.,)
Respondents. }

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, acting in her official capacity, for cause of Accusation against TDE
18 CAPITAL, INC., TOMAS E. SCHOFF individually and as designated officer of TDE Capital,
19 Inc., and DEMETRE D. BOOKER, JR. ("Respondents") alleges as follows:

20 1.

21 All references to the "Code" are to the California Business and Professions Code,
22 all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references
23 to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

24 2.

25 Respondent TDE CAPITAL, INC. ("TDE") is presently licensed or has license rights
26 under the Real Estate Law as a corporate real estate broker. Respondent was originally licensed
27 as a corporate real estate broker by the Bureau of Real Estate ("Bureau") on or about October 1,

1 2007. Since that date and continuing to the present, Respondent TOMAS E. SCHOFF has been
2 the Designated Officer of Respondent TDE. Respondent TDE's corporate real estate broker
3 license is due to expire on October 30, 2019.

4 3.

5 Respondent TOMAS E. SCHOFF ("SCHOFF") is licensed by the Bureau as a
6 real estate broker. Respondent SCHOFF was originally licensed as a real estate salesperson on
7 April 6, 2005, and as a real estate broker on March 3, 2007. Respondent's real estate broker
8 license is due to expire on March 2, 2019.

9 4.

10 Respondent DEMETRE D. BOOKER, JR. ("BOOKER") is licensed by the
11 Bureau as a real estate salesperson. Respondent BOOKER was originally licensed as a real
12 estate salesperson on August 26, 2005, and his license is due to expire on April 15, 2019. Since
13 November 11, 2011, and continuing to the present, Respondent BOOKER has been licensed in
14 the employ of Respondent TDE. During the period May 31, 2014, to April 16, 2015,
15 Respondent BOOKER's real estate salesperson license was expired.

16 5.

17 At all times herein relevant, Respondent BOOKER was an owner and corporate
18 officer of DYA, Inc., a California corporation. At no time has DYA, Inc. ever been licensed by
19 the Bureau in any capacity.

20 6.

21 At all times mentioned, in the City of San Diego, County of San Diego,
22 Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as
23 real estate brokers within the meaning of Code Section 10131(a), including the solicitation for
24 listings of and the negotiation of the purchase and sale of real property as the agent of others for
25 or in expectation of compensation.

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1 would require an active real estate license when Respondent BOOKER and DYA, Inc. were not
2 at the time licensed, constitutes grounds to revoke or suspend Respondents TDE's and
3 SCHOFF's real estate broker licenses pursuant to Code Sections 10177(d), and/or 10177(g).

4 SECOND CAUSE OF ACCUSATION

5 (Failure to Supervise Against SCHOFF)

6 12.

7 Based on the allegations of paragraphs 4-9, above, Respondent SCHOFF failed to
8 exercise reasonable supervision over the activities of his real estate sales brokerage to ensure
9 compliance with the Real Estate Law and the Commissioner's Regulations in violation of Code
10 Sections 10159.2, 10177(h), and Regulation 2725.

11 13.

12 The conduct, acts and omissions of Respondent SCHOFF as set forth in paragraph
13 12, above, are cause for the suspension or revocation of the licenses and license rights of
14 Respondent SCHOFF pursuant to Code Sections 10177(d), 10177(g), and/or 10177(h).

15 14.

16 California Business and Professions Code Section 10106 provides, in pertinent
17 part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the
18 Commissioner may request the administrative law judge to direct a licensee found to have
19 committed a violation of this part to pay a sum not to exceed the reasonable costs of
20 investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondents TDE CAPITAL, INC., TOMAS
4 E. SCHOFF individually and as designated officer of TDE Capital, Inc., and DEMETRE D.
5 BOOKER, JR. under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
6 Code), for the costs of investigation and enforcement as provided by law, and for such other and
7 further relief as may be proper under other applicable provisions of law.

8 Dated at San Diego, California, May 18, 2016.

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12 Veronica Kilpatrick
13 Supervising Special Investigator
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25 cc: TDE Capital, Inc.
26 Tomas E. Schoff
27 Demetre D. Booker, Jr.
 Veronica Kilpatrick
 Sacto.