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BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against

No. H-04934 SD

RYAN LUCERO CALL, doing
business as RealtyZoom,

A C C U S A T I O N

Respondent.

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California acting in her official capacity for cause of Accusation against RYAN LUCERO CALL ("Respondent") is informed and alleges as follows:

1.

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

2.

Respondent is presently licensed or has license rights under the Real Estate Law as a real estate broker. Respondent was originally licensed as a real estate broker by the Bureau of Real Estate ("Bureau") on or about March 8, 2006. Respondent's real estate broker license is

1 due to expire on March 7, 2018. Beginning August 8, 2012, and continuing to the present,
2 Respondent has maintained the licensed fictitious business name, "RealtyZoom".

3 3.

4 At all times mentioned, in the City of Carlsbad, County of San Diego, California,
5 Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as
6 a real estate broker within the meaning of Code Section 10131(a), including the solicitation for
7 listings of and the negotiation of the purchase and sale of real property as the agent of others.

8 4.

9 Beginning in August, 2012, and continuing through the present, Respondent,
10 using the fictitious business name "RealtyZoom," solicited prospective home sellers with an
11 offer to list their homes for sale in the Multiple Listing Service ("MLS"), and other real estate
12 marketing list services accessible only to real estate licensees for a flat fee. For an additional fee,
13 Respondent would represent the seller in the sales transaction as a full service real estate broker.

14 5.

15 A home seller who hired Respondent would sign a residential listing agreement
16 with Respondent as the listing broker. Respondent would then prepare all sales transaction
17 documents on behalf of the seller.

18 6.

19 One of the documents Respondent prepared was a form entitled, "REAL ESTATE
20 TRANSFER DISCLOSURE STATEMENT" as required by California Civil Code Section
21 1102.6. The same form would also include a section entitled "AGENT'S INSPECTION
22 DISCLOSURE" to comply with Civil Code Section 2079, which requires that a real estate
23 licensee make a visual inspection of the property being sold on behalf of the licensee's client.

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7.

Respondent's Agent's Inspection Disclosure would contain the following language:

Seller prohibits Listing Broker and all Listing Broker Representatives from doing a visual inspection of any part of the subject property. Listing Broker/Agent is not permitted to perform a visual inspection of any part of the property. By signing on page 3 of this document, Buyer acknowledges that Listing Broker/Agent has not performed a visual inspection of the property.

8.

On or about January 25, 2015, home seller Richard C. sold his home located in the city of Patterson, California with Respondent as his listing real estate broker. The Agent's Inspection Disclosure that Respondent prepared for the sales transaction contained the language described in paragraph 7, above, even though Richard C. did not prohibit Respondent from conducting a visual inspection of the property being sold. Respondent did not conduct a visual inspection of the property.

9.

In 2015, home seller Brendan M. sold his home located in Concord, California, with Respondent as his listing broker. The Agent's Inspection Disclosure that Respondent prepared for the sales transaction contained the language described in paragraph 7, above, even though Brendan M. did not prohibit Respondent from conducting a visual inspection of the property being sold. Respondent did not conduct a visual inspection of the property.

10.

Virtually every one of Respondent's sales transaction disclosure statements stated that the seller had prohibited Respondent from conducting a visual inspection. The language was inserted into the disclosure statement for the purpose of circumventing Respondent's obligations under the Civil Code.

11.

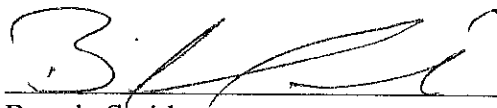
The conduct, acts and omissions of Respondent, as set forth above, are cause for the suspension or revocation of his license and license rights pursuant to Code Sections 10176(a), 10176(i), 10177(d), and/or 10177(g).

12.

California Business and Professions Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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 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 the license and license rights of Respondent RYAN LUCERO CALL under the Real Estate Law, for the costs of investigation and enforcement, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Fresno, California: 8-29-17.


Brenda Smith
Supervising Special Investigator

cc: Ryan Lucero Call
Brenda Smith
Sacto