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**FILED**  
**MAY 19 2020**  
**DEPT. OF REAL ESTATE**  
*@Delois*

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9 **BEFORE THE DEPARTMENT OF REAL ESTATE**  
10 **STATE OF CALIFORNIA**

11 \* \* \*

12 In the Matter of the Accusation of ) No. H05151 SD  
13 )  
14 CANTER BROKERAGE, INC.; )  
15 JUSTIN ANTHONY DECESARE, ) ACCUSATION  
16 individually and as former designated )  
17 officer of Canter Brokerage, Inc.; )  
18 WARREN L. SHARKEY; )  
19 JEFFREY CHARLES GRAHN, )  
20 Respondents. )

21 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
22 State of California, for cause of Accusation against CANTER BROKERAGE, INC., JUSTIN  
23 ANTHONY DECESARE, individually and as former designated officer of Canter Brokerage,  
24 Inc., WARREN L. SHARKEY, and JEFFREY CHARLES GRAHN, (sometimes referred to as  
25 "Respondents") alleges as follows:

26 1.

27 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
State of California, makes this Accusation in her official capacity.

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2.

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

LICENSE HISTORY

(CANTER BROKERAGE, INC.)

3.

a. Respondent CANTER BROKERAGE, INC ("CBI") is presently licensed and/or has license rights under the Code as a corporate real estate broker, Department of Real Estate ("Department") license ID 01927052.

b. According to the Department's records to date, Respondent CBI's main office address is 655 W. Broadway, Suite 1650, San Diego, California.

c. Since on or about January 11, 2019, CBI's designated officer is Jason Ian Lieber (license ID 01781838). From February 7, 2017, through January 10, 2019, CBI's designated office was Respondent JUSTIN ANTHONY DECESARE ("DECESARE"). The designated officer is responsible for the supervision of the activities conducted on behalf of Respondent CBI by its officers, agents, real estate licensees, and employees pursuant to Section 10159.2 of the Code

(JUSTIN ANTHONY DECESARE)

4.

a. Respondent DECESARE is presently licensed and/or has license rights under the Code as a real estate broker, Department license ID 01828532.

b. Respondent DECESARE's broker license was originally issued on September 26, 2011, and is scheduled to expire on December 17, 2023, unless renewed.

c. From on or about February 7, 2017, through January 10, 2019, DECESARE was the designated officer of Respondent CBI.

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1 (WARREN L. SHARKEY)

2 5.

3 a. Respondent WARREN L. SHARKEY ("SHARKEY") is presently licensed  
4 and/or has license rights under the Code as a real estate salesperson, Department license ID  
5 01943666.

6 b. Respondent SHARKEY's salesperson license was originally issued on  
7 January 16, 2014, and is scheduled to expire on November 5, 2022, unless renewed.

8 c. According to the Department's records to date, Respondent SHARKEY's  
9 current responsible broker is Compass California III, Inc (license ID 01527365).

10 d. From on or about December 23, 2015, through January 15, 2018, and  
11 November 6, 2018, through July 2, 2019, SHARKEY's responsible broker was Respondent  
12 CBI.

13 e. From January 16, 2018, through November 5, 2018, SHARKEY's salesperson  
14 license was expired.

15 (JEFFREY CHARLES GRAHN)

16 6.

17 a. Respondent JEFFREY CHARLES GRAHN ("GRAHN") is presently licensed  
18 and/or has license rights under the Code as a real estate salesperson, Department license ID  
19 01975770.

20 b. Respondent GRAHN's salesperson license was originally issued on July 29,  
21 2015, under the employment of real estate broker Real Estate of the Pacific Inc., Department  
22 license ID 01767484. GRAHN's employment with Real Estate of the Pacific Inc. was  
23 discontinued on or about December 28, 2015.

24 c. From on or about December 29, 2015, through February 27, 2019, GRAHN  
25 was not employed by a licensed real estate broker.

26 d. Starting on or about February 28, 2019, GRAHN was employed by  
27 Respondent CBI.

1 REAL ESTATE ACTIVITY

2 7.

3 At all times relevant herein, Respondent CBI was engaged in the business of,  
4 acted in the capacity of, advertised or assumed to act as a real estate broker, within the meaning  
5 of Code section 10131(a) by selling or offering to sell, buying or offering to buy, soliciting  
6 prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the  
7 purchase, sale or exchange of real property or a business opportunity ("real estate sales") and  
8 section 10131(b) by leasing or renting or offering to lease or rent, or place for rent, or soliciting  
9 listings of places for rent, or soliciting for prospective tenants, or negotiating the sale, purchase,  
10 or exchange of leases on real property, or on a business opportunity ("real estate leasing").

11 CAUSES FOR ACCUSATION

12 (UNLICENSED ACTIVITY)

13 8.

14 From on or about January 16, 2018, through November 5, 2018, Respondent  
15 SHARKEY, while his salesperson license with the Department was expired, engaged in the  
16 business of, acted in the capacity of, advertised, or assumed to act as a real estate broker in the  
17 State of California within the meaning of Code sections 10131(a), for or in expectation of  
18 compensation, by selling or offering to sell, buying or offering to buy, soliciting prospective  
19 sellers or purchasers of, negotiating the purchase, sale or exchange of, leasing or renting or  
20 offering to lease or to rent real property or the business or goodwill of an existing business  
21 enterprise or opportunity.

22 9.

23 From on or about January 16, 2018, through November 5, 2018, Respondent  
24 SHARKEY, conducted the following real estate activities and collected compensation for such  
25 activities without an active license with the Department:

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Property	Role	Offer Date	Closed Date	Commission to CBI	Commission to Sharkey
7651 Illuminado	Listing agent	3/1/18	3/23/18	\$16,333.65	\$29,966.35
3712 Southernwood Way	Selling agent	5/3/18	5/23/18	\$6,962.50	\$39,912.50

10.

At all times mentioned above in Paragraph 9, Respondent SHARKEY was not licensed in any capacity by the Department. Respondent conducted the real estate activities alleged above in Paragraph 9, and expected and/or received compensation for such activities in violation of Code sections 10130 and 10131.

11.

For an unknown period of time, including April 1, 2017, through March 23, 2018, Respondent GRAHN, while not authorized by the Department to conduct real estate activity under the employment of a licensed real estate broker, performed the following real estate activities and collected compensation for such activities. Said activities require that GRAHN be activated under the employment of a licensed real estate broker by the Department and that GRAHN act under the supervision and control of the real estate broker to whom they are licensed.

Property	Role	Offer Date	Closed Date	Commission to CBI	Commission to Grahn
10 Knotty Oak Cir.	Dual agent	4/1/17	4/26/17	unknown	\$28,327.50
839 Jamaica Ct.	Selling agent	1/1/18	1/17/18	\$2,662.50	\$11,448.75
7651 Illuminado	2nd Listing agent	3/1/18	3/22/18	\$16,333.65	\$400.00

12.

At all times mentioned above in Paragraph 11, Respondent GRAHN's was not activated under any license real estate broker. Respondent conducted the real estate activities alleged above in Paragraph 11, and expected and/or received compensation for such activities in violation of Code sections 10130 and 10131.

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(MISREPRESENTATION OR MATERIAL MISTATEMENT)

ACCUSATION

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13.

On or about November 6, 2018, Respondent SHARKEY submitted a Salesperson Renewal Application. In response to Question 1, under Section A "BUSINESS ACTIVITY AND VOLUME," of Respondent's license renewal application, to wit, "In the past 12 months, have you engaged in the real estate business for compensation as an agent?" Respondent marked "No," and failed to disclose his real estate transactions and compensation in Paragraph 9 above.

14.

In response to Question 2, under Section A "BUSINESS ACTIVITY AND VOLUME," of Respondent SHARKEY's license renewal application, to wit, "During the past 12 months, were you a listing agent or selling agent in the sale of real property?" Respondent marked "No," and failed to disclose his real estate transactions as a listing agent and/or selling agent as described in Paragraph 9 above.

15.

Respondent SHARKEY's failure to disclose his real estate activities, as set forth in Paragraph 9 above, in his renewal license application constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an application, which is grounds for suspension or revocation a license under California Business and Professions Code section 10177(a).

(UNLAWFUL EMPLOYMENT OR PAYMENT OF COMPENSATION)

16.

Based on the conduct, acts and/or omissions of Respondent SHARKEY, as described in Paragraph 9 above, Respondent CBI compensated, directly or indirectly, Respondent SHARKEY, who at the time was not licensed by the Department, for performing acts that require a real estate license in violation of Code section 10137.

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17.

Based on the conduct, acts and/or omissions of Respondent GRAHN, as described in Paragraph 11 above, Respondent CBI compensated, directly or indirectly, Respondent GRAHN, who was not licensed under CBI, for performing acts that require a real estate license in violation of Code section 10137.

18.

Based on the conduct, acts and/or omissions of Respondents SHARKEY and GRAHN, as described in Paragraphs 8 through 12 above, Respondents SHARKEY and GRAHN accepted compensation for activity requiring a real estate license from CBI, a broker under whom neither SHARKEY or GRAHN were licensed in violation of Code section 10137.

(FAILURE TO SUPERVISE)

19.

Based on the conduct, acts and/or omissions of Respondents SHARKEY and GRAHN, as described in Paragraphs 8 through 14 above, Respondent DECESARE did not exercise adequate supervision over the activities of Respondent CBI or activities conducted on behalf of Respondent CBI by its officers and employees necessary to secure full compliance with the Real Estate Law, including the supervision of salesperson licensed to CBI in violation of Code sections 10177(h) and 10159.2. Respondent DECESARE failed to establish and/or implement policies, rules, procedures and system to review, oversee, inspect and manage transactions requiring a real estate license in violation of Regulations section 2725.

20.

Each of the foregoing violations in Paragraphs 8 through 14 above constitutes cause for the suspension or revocation of the real estate license and/or license rights of Respondents CBI, DECESARE, SHARKEY, and GRAHN under the provisions of Sections 10177(d) and/or 10177(g).

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