

1 STEVE CHU, Counsel (SBN 238155)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 620-6430  
6 Fax: (213) 576-6917

**FILED**

JUN 15 2023

DEPT. OF REAL ESTATE

By- [Redacted Signature]

7  
8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H-05303 SD  
13 )  
14 ) MARISSA DEL CARMEN PEREZ, ) FIRST AMENDED  
15 ) doing business as ) ACCUSATION  
16 ) House And Commerce Real Estate, )  
17 ) Respondent. )  
18 )

19 This First Amended Accusation amends the Accusation filed on May 18, 2023.  
20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of  
21 California, for cause of Accusation against MARISSA DEL CARMEN PEREZ, doing business  
22 as House And Commerce Real Estate (“Respondent”), is informed and alleges as follows:

23 1.

24 The Complainant, Veronica Kilpatrick, acting in her official capacity as a  
25 Supervising Special Investigator of the State of California, makes this Accusation against  
26 MARISSA DEL CARMEN PEREZ.

27 2.

All references to the “Code” are to the California Business and Professions Code  
and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

First Amended Accusation of Marissa Del Carmen Perez

1 3.

2 Respondent MARISSA DEL CARMEN PEREZ presently has license rights  
3 under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.

4 ATTEMPTED SALE OF IMPERIAL PROPERTY

5 4.

6 On or about July 2, 2021, seller D. Escobar entered into a Residential Listing  
7 Agreement with broker eXp Realty of California, Inc. through agent Respondent to sell real  
8 property at 2312 Christi Ave, Imperial, California 92251 ("Imperial Property"). The contract  
9 time period was from July 1, 2021, to October 1, 2021. Respondent signed the Residential  
10 Listing Agreement for eXp Realty of California, Inc.

11 5.

12 On or about July 13, 2021, buyers M. Lopez and A. Lizarraga, represented by  
13 broker eXp Realty of California, Inc. through agent Respondent, submitted an offer to purchase  
14 the Imperial Property through a signed Residential Purchase Agreement ("Lopez Residential  
15 Purchase Agreement"). Respondent presented the Lopez Residential Purchase Agreement to  
16 seller.

17 6.

18 On or about July 15, 2021, seller D. Escobar accepted the offer from  
19 buyers M. Lopez and A. Lizarraga and signed the Lopez Residential Purchase Agreement.

20 7.

21 On or about July 15, 2021, after seller D. Escobar had signed the Lopez  
22 Residential Purchase Agreement, buyers L. Cortez and A. Palomares submitted an offer to  
23 Respondent to purchase the Imperial Property through a signed Residential Purchase  
24 Agreement ("Cortez Residential Purchase Agreement"). Respondent did not present the Cortez  
25 Residential Purchase Agreement to seller.

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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 the licenses, license endorsements, and license rights of Respondent **MARISSA DEL CARMEN PEREZ** under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California  
this 15 day of June, 2023

  
\_\_\_\_\_  
Veronica Kilpatrick  
Supervising Special Investigator

cc: **MARISSA DEL CARMEN PEREZ**  
**Veronica Kilpatrick**  
**Sacto.**

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Accusation of Marissa Del Carmen Perez

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24 Agreement (“Cortez Residential Purchase Agreement”). Respondent did not present the Cortez  
25 Residential Purchase Agreement to seller.

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1 8.

2 On or about July 15, 2021, seller D. Escobar and M. Montijo asked Respondent  
3 if there had been any other offers on the Imperial Property. Respondent replied in part, "We  
4 shouldn't see more offers since the home went pending."

5 9.

6 The conduct, acts, and omissions of Respondent, as described in Paragraphs 4  
7 through 8 above, are in violation of Code section 10176(a), 10176(i), 10177(d), 10177(g),  
8 and/or 10177(j) and constitute cause under Code sections 10176(a), 10176(i), 10177(d),  
9 10177(g), and/or 10177(j) for the suspension or revocation of all the licenses, license  
10 endorsements, and license rights of Respondent.

11 10.

12 Code section 10106 provides, in pertinent part, that in any order issued in  
13 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner  
14 may request the administrative law judge to direct a licensee found to have committed a  
15 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

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Dated at San Diego, California  
this 11th day of May, 20 23

  
\_\_\_\_\_  
Veronica Kilpatrick  
Supervising Special Investigator

cc: **MARISSA DEL CARMEN PEREZ**  
**Veronica Kilpatrick**  
**Sacto.**