

1 STEVE CHU, Attorney (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

DEC 15 2023

DEPT. OF REAL ESTATE

By 

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-05756 SD
13)
14 SOUTHEAST SAN DIEGO) A C C U S A T I O N
15 REAL ESTATE INC., doing business as)
16 Lepe Tendwell Commercial and)
17 Lepe Tendwell Properties, and)
18 VOLTAIRE VLADIMIR LEPE,)
19 individually and as designated officer of)
20 Southeast San Diego Real Estate Inc.,)
21 Respondents.)
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20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
21 State of California, for cause of Accusation against SOUTHEAST SAN DIEGO REAL
22 ESTATE INC., doing business as Lepe Tendwell Commercial and Lepe Tendwell Properties,
23 and VOLTAIRE VLADIMIR LEPE, individually and as designated officer of Southeast San
24 Diego Real Estate Inc. ("Respondents"), is informed and alleges as follows:

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Accusation of SOUTHEAST SAN DIEGO REAL ESTATE INC. and VOLTAIRE VLADIMIR LEPE

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1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondents SOUTHEAST SAN DIEGO REAL ESTATE INC. and VOLTAIRE VLADIMIR LEPE.

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.

LICENSE HISTORY

3.

Respondent SOUTHEAST SAN DIEGO REAL ESTATE INC. ("SOUTHEAST SAN DIEGO REAL ESTATE") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.

4.

Respondent VOLTAIRE VLADIMIR LEPE ("LEPE") presently has license rights as a real estate broker.

5.

From about October 18, 2018, to the present, Respondent SOUTHEAST SAN DIEGO REAL ESTATE is licensed by the Department of Real Estate ("Department") as a corporate real estate broker by and through Respondent LEPE, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of SOUTHEAST SAN DIEGO REAL ESTATE, or by SOUTHEAST SAN DIEGO REAL ESTATE'S officers, agents and employees.

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1 SAN DIEGO PROPERTY TRANSACTION

2 6.

3 On or about June 17, 2016, buyer Marc Jacobs Family Trust 02-24-05
4 (“Family Trust”) through trustee Respondent LEPE purchased real property at 420 Sicard St,
5 San Diego, California 92113 (“San Diego property”).

6 7.

7 On or about August 10, 2021, Respondent LEPE listed the San Diego property
8 on the multiple listing service (“MLS”). Under Remarks and Showing Info, LEPE wrote in
9 part, “Completely Rebuilt 2 Bed / 2 Bath Home with New Foundation”.

10 8.

11 On or about September 21, 2021, 2020, buyer C. Ethridge (“Ethridge”)
12 submitted an offer to broker Respondent SOUTHEAST SAN DIEGO REAL ESTATE through
13 agent Respondent LEPE to purchase the San Diego property through a signed Residential
14 Purchase Agreement.

15 9.

16 On or about September 22, 2021, seller Family Trust through trustee
17 Respondent LEPE and Ethridge signed the Buyer Counteroffer.

18 10.

19 On or about September 22, 2021, seller Family Trust through trustee
20 Respondent LEPE signed the Seller Property Questionnaire for the San Diego property. Under
21 Text Overflow Addendum No. 1 of the Seller Property Questionnaire, LEPE wrote in part,
22 “Foundation: When owner purchased the home, the foundation was updated.”

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14.

On or about February 14, 2023, Respondents SOUTHEAST SAN DIEGO REAL ESTATE and LEPE provided a statement to the Department which stated in part, “when I purchased the property in 2016, the property was in poor condition. I hired workers to remodel the home. We worked with the City of San Diego building department for this and I recall during the construction process a cement truck at the property pouring cement to reinforce the home’s foundation (exterior and interior). This concrete work was one day of many in which workers and different subcontractors were at the property working on it. When the work was complete, I then rented the property for about four years. When I listed the property for sale five years after buying it, I recalled all the work to the best of my ability and remembered the cement truck pouring concrete underneath the home and workers dealing with the home’s foundation. I was of the understanding from the general contractor that the home’s foundation was all new. Only through the buyer’s home inspection did I find out that only parts of the foundation were reinforced and new and not the entire foundation.”

FIRST CAUSE OF ACTION

SUBSTANTIAL MISREPRESENTATION

15.

The conduct, acts, and omissions of Respondent SOUTHEAST SAN DIEGO REAL ESTATE, as described in Paragraphs 6 through 14 above, are in violation of Code sections 10176(a), 10177(d), and/or 10177(g) and constitute cause under Code sections 10176(a), 10177(d), and/or 10177(g) for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent.

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cc: SOUTHEAST SAN DIEGO REAL ESTATE INC.
VOLTAIRE VLADIMIR LEPE
Veronica Kilpatrick
Sacto.