

**FILED**

**February 7, 2012**

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3 Department of Real Estate  
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5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

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By *L. Jove*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )

No. H-5777 SAC

13 EDGAR GOSALVEZ, )

ACCUSATION

14 Respondent. )

15 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the  
16 State of California, for cause of Accusation against EDGAR GOSALVEZ ("Respondent"), is  
17 informed and alleges as follows:

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19 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the  
20 State of California, makes this Accusation in her official capacity.

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22 At all times mentioned, Respondent was and now is licensed and/or has license  
23 rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code)  
24 ("Code").

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26 At all times mentioned, Respondent was and is licensed by the Department of  
27 Real Estate ("Department") as a real estate salesperson.

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate licensee in the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property.

On or about May 5, 2010, in the course of the activities described in Paragraph 4, Respondent, on behalf of buyers Jeannie and Victor N. ("buyers"), received a replacement bid, a repair bid, and an inspection statement from Contractor Mike Loveland regarding the roof of the real property located at 21321 Meadows Road, Grass Valley, California, a property buyers were in the process of purchasing.

Respondent presented the repair bid and inspection statement to buyers. At no time did Respondent present the replacement bid to buyers.

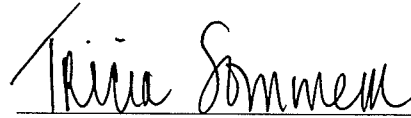
Respondent's conduct described above constitutes the making of substantial misrepresentations, and fraud or dishonest dealing, and is cause under Sections 10176(a) and 10176(i) of the Code for suspension or revocation of all licenses and license rights of Respondent. In the alternative, Respondent's conduct described above constitutes the making of substantial misrepresentations, and negligence or incompetence in performing acts requiring a real estate license, and is cause under Sections 10176(a) and 10177(g) of the Code for suspension or revocation of all licenses and license rights of Respondent.

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The acts and/or omissions of Respondent as described above, entitle the Department to reimbursement of the investigation and enforcement of the case pursuant to Section 10106 (Reimbursement for Cost) of the Code.

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 licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



TRICIA SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 18<sup>th</sup> day of January, 2012

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.