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FILED
APR - 6 2012

DEPARTMENT OF REAL ESTATE
By R. Mar

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

10 * * *

11 In the Matter of the Accusation of)
12 REALTY FIRST REAL ESTATE AND)
13 MORTGAGE SERVICES CORPORATION,) NO. H-5803 SAC
14 JOSEPH MARK CRESPILO and) ACCUSATION
15 MARGUERITE PEARL CRESPILO,)
Respondents.)

16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
17 of the State of California ("Complainant"), for Accusation against Respondents REALTY
18 FIRST REAL ESTATE AND MORTGAGE SERVICES CORPORATION, individually and
19 doing business as "Realty First REO, Inc.", "Bankers Real Estate", "CMH Home Loans" and
20 "Professional Real Estate" ("REALTY FIRST"); JOSEPH MARK CRESPILO ("J.
21 CRESPILO"); and MARGUERITE PEARL CRESPILO ("M. CRESPILO"), (collectively
22 "Respondents"), is informed and alleges as follows:

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24 Complainant makes this Accusation against Respondents in her official capacity.

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26 At all times mentioned, REALTY FIRST was and now is licensed by the State
27 of California Department of Real Estate ("the Department") as a corporate real estate broker.

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At all times mentioned, J. CRESPILO was and now is licensed by the Department as a real estate broker.

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At all times mentioned, J. CRESPILO was and now is the designated officer/broker for REALTY FIRST. As the designated officer/broker, J. CRESPILO was and is responsible pursuant to Section 10159.2 of the California Business and Professions Code (“the Code”) for the supervision of the activities of the officers, agents, real estate licensees and employees of REALTY FIRST for which a license is required.

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At all times mentioned, M. CRESPILO was and now is licensed as a real estate salesperson.

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“Realty First REO, Inc.” is registered as a corporation with the California Secretary of State. However, it is not licensed by the Department as a corporate real estate broker. M. CRESPILO is the President and J. CRESPILO is the Chief Financial Officer of “Realty First REO, Inc.”

FIRST CAUSE OF ACTION

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On or about July 1, 2009, Christine Pierce (“Pierce”) entered into an agreement to lease the property located at 253 Alta Vista Avenue, Roseville, California, for the period of July 1, 2009, through June 30, 2011.

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On or about April 30, 2010, Respondents were retained by One West Bank to be its listing agent for the property at 253 Alta Vista Avenue.

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On or about May 11, 2010, M. CRESPILO informed One West Bank that Pierce was occupying the Alta Vista property and wanted to either purchase the property or continue with her current lease.

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On or about July 29, 2010, M. CRESPILO contacted Pierce's agent, Mark Farnsley, with an offer from One West Bank to return Pierce's deposit along with a \$5,000 Cash for Keys offer for vacating the Alta Vista property prior to the completion of the lease. Alternatively, Pierce was informed that she would need to cooperate with showing the property to prospective buyers. All of M. CRESPILO's written communications with Pierce indicated that M. CRESPILO worked for "Realty One REO", a California corporation without a corporate real estate broker license. "Realty One REO" was not registered with the Department as a fictitious business name of REALTY FIRST.

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On or about July 30, 2010, Pierce received an eviction notice.

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On or about August 2, 2010, M. CRESPILO informed Pierce that if she did not comply with the Cash for Keys offer and vacate the Alta Vista property, then the eviction process would move forward. Ultimately, Pierce did not accept the Cash for Keys offer. At the time, M. CRESPILO was aware that Pierce had the right to have the lease agreement of July 1, 2009, honored to its completion date.

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The acts and/or omissions of Respondents REALTY FIRST and M. CRESPILO as alleged in Paragraphs 8 through 12, above, are grounds for the revocation or suspension of her real estate licenses or license rights under Sections 10176(a) (misrepresentation), 10176(i) (fraud or dishonest dealing) or 10177(g) (negligence or incompetence) of the Code.

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1 SECOND CAUSE OF ACTION

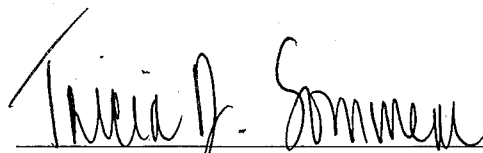
2 14

3 At all times mentioned, J. CRESPILO failed to exercise reasonable
4 supervision over the acts of REALTY FIRST and its agents and employees in such a manner as
5 to allow the acts and omissions as set forth in Paragraphs 8 through 12, above, to occur.
6 Specifically, J. CRESPILO allowed one of his real estate salespeople to conduct real estate
7 activity through a corporation that does not have a California corporate real estate broker
8 license.

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10 The acts and/or omissions by J. CRESPILO as alleged in Paragraph 14, above,
11 violate Section 10159.2 (supervision responsibility of designated broker/officer) of the Code
12 and Section 2725 (reasonable supervision by broker) of the Regulations, and are grounds for
13 the suspension or revocation of the license or license rights of J. CRESPILO under Sections
14 10177(g) and 10177(h) (reasonable supervision by broker) of the Code.

15 WHEREFORE, Complainant prays that a hearing be conducted on the
16 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
17 disciplinary action against all licenses and license rights of Respondents under the Code and for
18 such other and further relief as may be proper under other provisions of law.

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21 TRICIA D. SOMMERS
22 Deputy Real Estate Commissioner

23 Dated at Sacramento, California,
24 this 16th day of December, 2011.