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FILED

OCT 18 2012

DEPARTMENT OF REAL ESTATE
By R. N. N. N.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) NO. H-5891 SAC
13 ERICA L. TORREZ,) ACCUSATION
14 Respondent.)
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16 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real
17 Estate Commissioner of the State of California, for cause of Accusation against ERICA L.
18 TORREZ (hereinafter "Respondent"), is informed and alleges as follows:

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20 Respondent is presently licensed by the Department and/or has license rights under
21 the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereafter "the
22 Code"), as a real estate broker.

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24 At no time prior to March 15, 2012, did Respondent have any fictitious business
25 names registered with the Department.

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At all times relevant, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code (Broker Defined – Property Management/Collection of Rent), including the operation and conduct of a property management business with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondent leased or rented or offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

Whenever reference is made in an allegation in this Accusation to an act or omission of Respondent, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with Respondent committed such act or omission while engaged in furtherance of the business or operations of Respondent and while acting within the course and scope of their corporate authority and employment.

FIRST CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 4, inclusive, above, is incorporated by this reference as if fully set forth herein.

On or about February 14, 2012, and continuing intermittently through March 2, 2012, an audit was conducted of Respondent's business activities at her office located at 4826 El Camino Avenue in Carmichael, California, wherein the auditor examined Respondent's records for the period of January 1, 2010 through February 13, 2012 (hereinafter "the audit period").

While acting as a real estate broker as described in Paragraph 3, above, and within the audit period, Respondent accepted or received funds in trust (hereinafter "trust funds") and deposited or caused the trust funds to be deposited into a bank account maintained by Respondent,

1 and thereafter, from time-to-time, Respondent made disbursements of said trust funds, identified as
2 follows:

3 Bank Account #1

4 Bank Name: Union Bank

5 Account No.: Last 4 Digits: 7768

6 Account Name: Erica L. Torrez A&J Property Management

7 Signatories: Erica L. Torrez (REB)

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10 In the course of the activities described in Paragraph 3, above, and during the audit
11 period, Respondent:

12 (a) caused, suffered, or permitted the balance of funds in Bank Account #1 to be
13 reduced to an amount which, as of January 31, 2012, was approximately \$11,266.75 less than the
14 aggregate liability of Bank Account #1 to all owners of such funds, without the prior written
15 consent of each and every owner of such funds, in violation of Section 10145 (handling of trust
16 funds) of the Code and Section 2832.1 (written authorization of all beneficiaries required to reduce
17 funds to below liability) of Title 10 of the California Code of Regulations (hereinafter "the
18 Regulations");

19 (b) failed to designate Bank Account #1 as a trust fund account in the name of
20 Respondent, as trustee, in violation of Section 10145 of the Code and Section 2832 of the
21 Regulations;

22 (c) failed to reconcile the total of separate beneficiary/property records with a
23 record of all trust funds received and disbursed (control record) for Bank Account #1 on at least a
24 monthly basis, in violation of Section 2831.2 (trust fund reconciliation requirement); and,

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1 (d) conducted activities for which a real estate license is required while using
2 the fictitious business name "A & J Property Management", without first registering this fictitious
3 name with the Department as required by Section 10159.5 of the Code and Section 2731 of the
4 Regulations.

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6 The acts and/or omissions of Respondent as alleged in Paragraph 8, above,
7 constitute grounds for the suspension or revocation of all licenses and license rights of Respondent
8 pursuant to the following provisions of the Code and Regulations:

9 As to Paragraph 8(a), under Section 10177(d) (willful disregard or violation of
10 Real Estate Law) and/or 10177(g) (negligence or incompetence in performing licensed act) of the
11 Code, in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

12 As to Paragraph 8(b), under Section 10177(d) and/or 10177(g) of the Code, in
13 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

14 As to Paragraph 8(c), under Section 10177(d) and/or 10177(g) of the Code, in
15 conjunction with Section 2831.2 of the Regulations; and,

16 As to Paragraph 8(d), under Section 10177(d) and/or 10177(g) of the Code, in
17 conjunction with Section 10159.5 of the Code and Section 2731 of the Regulations.

18 COST RECOVERY

19 AUDIT COSTS

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21 The acts and/or omissions of Respondent as alleged in the First Cause of Action,
22 Paragraph 8, above, entitle the Department to reimbursement of the costs of its audit pursuant to
23 Section 10148(b) (audit costs for trust fund handling violations) of the Code.

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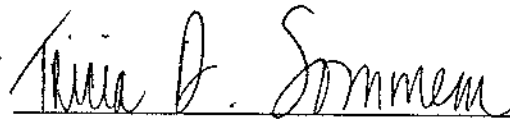
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1 INVESTIGATION AND ENFORCEMENT COSTS

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3 Section 10106 of the Code provides, in pertinent part, that in any order issued in
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request the
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
8 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
9 license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and
10 Professions Code), for the cost of investigation and enforcement as permitted by law, for the cost
11 of the audit as permitted by law, and for such other and further relief as may be proper under other
12 provisions of law.

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15 TRICIA D. SOMMERS

16 Deputy Real Estate Commissioner

17 Dated at Sacramento, California,
18 this 15th day of October, 2012.