

FILED

July 29, 2013

DEPARTMENT OF REAL ESTATE

By *S. Jon*

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

MAURICIO SALAZAR,

Respondent.

No. H-6002 SAC

ACCUSATION

The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
of the State of California, for cause of Accusation against MAURICIO SALAZAR
("Respondent"), is informed and alleges as follows:

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The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
of the State of California, makes this Accusation in her official capacity.

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Respondent is presently licensed and/or has license rights under the Real Estate
Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate
salesperson.

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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 January 9, 2011, in the course of the activities described in Paragraph 3, Respondent entered into a written agreement whereby sellers, Chandrakant and Smita P. ("sellers"), granted Respondent, on behalf of Grupe Real Estate, exclusive employment and authorization to sell and offer to sell, solicit prospective purchasers of, and negotiate the purchase and sale of real property identified as 4850 Bridgewater Circle, Stockton ("property").

On or about January 10, 2011, the sellers accepted an offer to purchase the property from Minal P. ("buyer"). Respondent was also acting as an agent on behalf of buyer. This purchase was canceled.

On or about April 11, 2011, the sellers accepted a second offer to purchase the property from buyer. Respondent was acting an agent on behalf of buyer and seller.

On or about April 12, 2011, Respondent received a short sale approval letter from the lender. The letter provided in part, "Any relationships between Seller, Buyer, Agents, and/or Escrow/Title Companies must be disclosed in writing and made known to Lender up front prior to a demand being issued. Failure to do so may result in the Demand being declared void at anytime prior to close of escrow."

On or about April 26, 2011, Respondent signed an Affidavit of "Arm's Length Transaction" which provided, "No party to this contract is a family member, business associate, or share a business interest with the mortgagee. Further, there are no hidden terms or special understanding between the seller or buyer or this agents or Mortgagee."

In truth and fact the buyer was the daughter of the sellers. Respondent knew, or should have known, about this relationship.

The facts described above constitute cause to suspend or revoke all licenses and license rights of Respondent pursuant to the provisions of Sections 10176(a), 10176(i), 10177(g), and/or 10177(j) of the Code for suspension or revocation of all licenses and license rights of Respondent.

COST RECOVERY

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

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, for the cost of
4 investigation and enforcement as permitted by law, and for such other and further relief as may
5 be proper under the provisions of law.

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8 TRICIA SOMMERS
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 16th day of July, 2013
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13 DISCOVERY DEMAND:

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