

1 RICHARD K. UNO, Counsel III (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 137007  
Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700  
5 (916) 263-3767 (Fax)  
6 (916) 576-7848 (Direct)

**FILED**

MAR 20 2019

DEPARTMENT OF REAL ESTATE  
By *R. Kropp*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11  
12 In the Matter of the Accusation of )  
13 eXp REALTY OF CALIFORNIA, INC., ) NO. H-6686 SAC  
14 RAMEY JOSEPH MARQUEZ, ) FIRST AMENDED ACCUSATION  
15 SHAUNTAE NICOLE TEDTAOTAO )  
16 VICKI L. HOUFF, and NATASHA DEE )  
17 CARLENA DAVIS )  
Respondents. )

18  
19 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator  
20 of the State of California, for Accusation against Respondents eXp REALTY OF  
21 CALIFORNIA, INC. (ERC), RAMEY JOSEPH MARQUEZ (MARQUEZ), collectively  
22 RESPONDENTS, and NATASHA DEE CARLENA DAVIS (DAVIS), is informed and alleges  
as follows:

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24 The Complainant makes this Accusation against RESPONDENTS in her official  
25 capacity.

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At all times mentioned herein, ERC was and is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California business and Professions Code (the Code) by the licensed by the Department of Real Estate (Department) as a corporate real estate broker.

3

At all times mentioned herein, MARQUEZ was licensed by the Department as a real estate broker and as the Designated Officer of ERC.

4

At no time mentioned herein, was "exp realty" licensed as a fictitious business name with the Department.

5

At no time mentioned herein, was Dream Team Sells Homes, Inc. (DTSH), a California Corporation, licensed by the Department as a corporate real estate broker.

6

At all times herein mentioned, MARQUEZ was licensed by the Department as the designated broker/officer of ERC. As the designated broker/officer, MARQUEZ was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of ERC for which a real estate license is required.

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RESPONDENTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

1 FIRST CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 7 above, and incorporates the same,  
4 herein.

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6 Section 10159.6 of the Code, is a recently enacted statute setting forth team name  
7 requirements, which provides, in part: "All of the following apply to use of a team name...

8 (b) The responsible broker's identity...shall be displayed as prominently and conspicuously as  
9 the team name in all advertising and solicitation materials."

10 10

11 A number of licensees employed by Respondents, on their websites, fail to  
12 comply with the requirements set forth above, including but not limited to the following:

13 (a) Broker Associate Thomas Edward Daves' website at www.tdaves.com does  
14 not display Exp's name as prominently and conspicuously as his team name.

15 (b) Real estate broker Joseph Peter Parker's websites at  
16 www.peterparkerteam.com and www.allsacramentoareahomes.com fails to  
17 display eXp's name as prominently and conspicuously as his team name.

18 (c) Real estate broker Daniel Beer's website at www.sandiegohomefinder.com  
19 does not display eXp's name as prominently and conspicuously as his team  
20 name.

21 (d) Real estate salesperson Bobby John Taylor's website at  
22 www.newfamilylegacyt.com does not display eXp's name as prominently and  
23 conspicuously as his team name.

24 (e) Broker Associate Kurt Stephen Wannebo's website at www.wanneoreg.com  
25 does not display eXp's name as prominently and conspicuously as his team  
26 name.

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2 The failure of the licensees to comply with Section 10159.6(c) (broker id-team  
3 name requirements), as set forth above, demonstrates Respondents' failure to supervise licensees  
4 as required by Section 2725 of the Regulations (broker supervision) and Section 10159.6  
5 (responsible broker/directing officer) of the Code and constitute grounds for disciplinary action  
6 under the provisions of Section 10177(d) (violate real estate law), 10177 (g)  
7 (negligence/incompetence licensee) and 10177(h) (broker supervision) of the Code.

8 SECOND CAUSE OF ACTION

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10 Complainant refers to Paragraphs 1 through 11, above, and incorporates the same,  
11 herein.

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13 A number of licensees employed by Respondents, through Facebook and/or their  
14 websites, indicate office addresses that are not licensed as branch offices with the Department,  
15 including but limited to those listed below.

- 16 (a) RES Scott Charles Sherman listed 374 Lincoln Center, Stockton, California as  
17 his office.
- 18 (b) Broker Associate Jeffrey Allen DeGray listed 6060 Sunrise Vista Drive,  
19 #2180, Citrus Heights, California as his office.
- 20 (c) Broker Associate Thomas Edward Daves listed 1478 Stone Pointe Drive, #450  
21 Roseville, California as his office.
- 22 (d) Real estate Salesperson Jacob Lee Swodeck listed 250 West First Street, #318,  
23 Claremont, California, as his office.
- 24 (e) Broker Associate John Olfato Lanting listed 1930 Del Paso Road, Suite 121,  
25 Sacramento, California as his office.
- 26 (f) Broker Associate Susan Patrice Truax listed 350 Rhode Island Street, San  
27 Francisco, California as her office.

- 1 (g) Real estate Luke Edward Middleton listed 5565 La Jolla Mesa, La Jolla,  
2 California as his office.
- 3 (h) Real estate salesperson Jessica Marie La Vau listed 25350 Magic Mountain  
4 Parkway, Suite 300, Santa Clarita, California as her office.
- 5 (i) Broker associate Alan Zane Savage listed 908 Taylorville Road, Suite 204,  
6 Grass Valley, California as his office.
- 7 (j) Real estate salesperson Robert Eric Milse listed 7676 Hazard Center Drive,  
8 San Diego, California as his office.
- 9 (k) Real estate broker Robert James Martins listed 12707 High Bluff Drive, Suite  
10 200, San Diego, California as his office.
- 11 (l) Real Estate broker Joseph Peter Parker listed 9813 Fair Oaks Boulevard, Suite  
12 A, Fair Oaks, California as his office.
- 13 (m) Broker Associate James Elliot Cottrell listed 16990 Washington Street,  
14 Riverside, California as his office.
- 15 (n) Real estate salesperson Kevin Michael Kujawa listed 1024 Iron Point Road,  
16 Folsom, California as his office.
- 17 (o) Real estate salesperson Michael Lawrence Nichols' lists 6060 Sunrise Vista  
18 Drive, Suite 110F, Citrus Heights, California as his office.
- 19 (p) Real estate salesperson Ted Mendoza lists 331 Capitola Avenue, Suite C,  
20 Capitola, California as his office.
- 21 (q) Broker Associate Victoria Anne Leas lists 3515 Fair Oaks Blvd., Sacramento,  
22 California as her office.

23 14

24 The failure of the licensees to comply with Section 10163 (branch office), as set  
25 forth above, demonstrates Respondents' failure to supervise licensees as required by Section  
26 2725 of the Regulations (broker supervision) and Section 10159.s (responsible broker/directing  
27 officer) of the Code and constitute grounds for disciplinary action under the provisions of Section

1 10177(d) (violate real estate law), 10177 (g) (negligence/incompetence licensee) and 10177(h)  
2 (broker supervision) of the Code.

3 THIRD CAUSE OF ACTION

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5 Complainant refers to Paragraph 1 through 14, above, and incorporates the same,  
6 herein by reference.

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8 A number of licensees employed by Respondents, through Facebook and/or their  
9 websites, used the un-licensed DBA "exp realty" and others, including but not limited to those  
10 listed below:

11 (a) Broker Associate Jeffery Allen DeGray on his website

12 [www.jeffdegray.com](http://www.jeffdegray.com).

13 (b) Broker Associate Thomas Edward Daves, on his website

14 [www.tdaves.com](http://www.tdaves.com).

15 (c) Real estate salesperson Jacob Lee Swodeck on his website

16 [www.theswodeckgroup.com](http://www.theswodeckgroup.com).

17 (d) Broker Associate John Olfato Lanting on his website [www.johnlanting](http://www.johnlanting)

18 [homes.com](http://homes.com).

19 (e) Broker Associate Susan Patice Truax on her Facebook page.

20 (f) Broker Associate Alan Zane Savage on his Facebook page.

21 (g) Real Estate salesperson Robert Eric Milse on his facebook page.

22 (h) Real estate broker Robert James Martins on his website

23 [www.moveupsandiego.com](http://www.moveupsandiego.com).

24 (i) Broker Associate James Elliot Cottrell on his website

25 [www.jamesforhomes.com](http://www.jamesforhomes.com).

26 (j) Real estate salesperson Kevin Michael Kujawa on his Facebook page.

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- (k) Real estate salesperson Michael Lawrence Nichols on his website [www.nichols-realty.com](http://www.nichols-realty.com).
- (l) Real estate salesperson Ted Mendoza on his website [www.tedmendoza.com](http://www.tedmendoza.com).
- (m) Broker Associate Jeffrey Allen Russel on his website [www.buy-sell-california-homes.com](http://www.buy-sell-california-homes.com).
- (n) Real Estate broker Karen Ray Bartlett on her website [www.greatersacramentareahomes.com](http://www.greatersacramentareahomes.com).
- (o) Real estate broker Ellen Herrle on her website [www.ronellenherrle.exprealty.com](http://www.ronellenherrle.exprealty.com).
- (p) Broker Associate Sean C. G. Work on his website [www.swork.expreaty.com](http://www.swork.expreaty.com).
- (q) Real estate salesperson Daniel Beer on his website [www.sandiego-homefinder.com](http://www.sandiego-homefinder.com).
- (r) Real estate salesperson Francine Teresa Martinez on her Facebook page.
- (s) Broker Associate Janet DePerry on her Facebook page and on her website [www.beachstoneproperties.com](http://www.beachstoneproperties.com).
- (t) Broker Associate Deborah Lynn Penny on her website [www.debbiepenny.expreaty.com](http://www.debbiepenny.expreaty.com).
- (u) Broker Associate Nelida Mora on her website [www.thehousehuntergroup.com](http://www.thehousehuntergroup.com).
- (v) Real estate salesperson Kathy Rolfo on her website [www.kathyrolfo.com](http://www.kathyrolfo.com).
- (w) Real estate salesperson Robert Jerome Costello on his website [www.robcostelloproperties.com](http://www.robcostelloproperties.com).
- (x) Real estate salesperson Bobby John Taylor on his website [www.btaytlor.expreaty.com](http://www.btaytlor.expreaty.com).

1 (y) Broker Associate James Michael Guido on his website www.the  
2 guidogroup.exprealty.com.

3 (z) Broker Associate Victoria Anne Lease on Facebook and her website  
4 www.findsacramentohomes.com and www.victoriasproperty.com used the  
5 fictitious name "The Victoria's Properties Team".

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7 The failure of the licensees to comply with Section 2731 (fictitious name), of the  
8 Regulations, as set forth above, demonstrates Respondents' failure to supervise licensees as  
9 required by Section 2725 of the Regulations (broker supervision) and Section 10159.6  
10 (responsible broker/directing officer) of the Code and constitute grounds for disciplinary action  
11 under the provisions of Section 10177(d) (violate real estate law), 10177 (g)  
12 (negligence/incompetence licensee) and 10177(h) (broker supervision) of the Code.

13 FOURTH CAUSE OF ACTION

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15 Complainant refers to Paragraphs 1 through 17, above, and incorporates the same,  
16 herein, by reference.

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18 Section 10159.6 of the Code states, in part: "All of the following apply to use of a  
19 team name...Advertising and solicitation material that contain a team name, including print or  
20 electronic media shall include, and display in a conspicuous and prominent manner, the team  
21 name and the name and license number of at least one of the licensed members of the team".

22 20

23 A number of licensees employed by Respondents on their websites and/or  
24 Facebook page, fail to comply with the requirement set forth above by not listing a license  
25 number on advertising, including but not limited to the following:

26 (a) Real estate salesperson Jacob Lee Swodeck and real estate salesperson Jonathan  
27 Michael Bunass on their website.

- 1 (b) Broker Associate John Olfato Lanting on his Facebook page.
- 2 (c) Broker Associate Susan Patrice Truax on her Facebook page.
- 3 (d) Real estate salesperson Luke Edward Middleton on his Facebook page and website
- 4 [www.themiddletongroupsd.com](http://www.themiddletongroupsd.com).
- 5 (e) Real estate salesperson Jessica Marie La Vau on her Facebook page.
- 6 (f) Broker Associate Alan Zane Savage on his Facebook page.
- 7 (g) Real estate salesperson Robert Eric Milse on his Facebook page.
- 8 (h) Real Estate broker Robert James Martin on his website [www.moveupsandiego.com](http://www.moveupsandiego.com).
- 9 (i) Real estate salesperson Kevin Michael Kujawa on his Facebook page.
- 10 (j) Real estate salesperson Michael Lawrence Nichols on his Facebook page and on his
- 11 website [www.nichols-realty.com](http://www.nichols-realty.com).
- 12 (k) Broker Associate Jeffrey Allen Russell on his website [www.buy-sell-california-](http://www.buy-sell-california-homes.com)
- 13 [homes.com](http://www.buy-sell-california-homes.com).
- 14 (l) Real estate broker Karen Ray Bartlett on her website
- 15 [www.greatersacramentoareahomes.com](http://www.greatersacramentoareahomes.com).
- 16 (m) Broker Associate Sean C.G. Work on her Facebook page.
- 17 (n) Real estate salesperson Francine Teresa Martinez on her Facebook page.
- 18 (o) Broker Associate Nelida Mora on her website [www.thehousehuntergroup.com](http://www.thehousehuntergroup.com).
- 19 (p) Real estate salesperson Kathy Rolfo on her Facebook page.
- 20 (q) Real estate salesperson Bobby John Taylor on his website
- 21 [www.btaylor.exprealty.com](http://www.btaylor.exprealty.com).
- 22 (r) Broker Associate James Michael Guido on his website
- 23 [www.theguidogroup.exprealty.com](http://www.theguidogroup.exprealty.com).
- 24 (s) Broker Associate Kurt Stephen Wannebo on his website [www.wanneboreg.com](http://www.wanneboreg.com).
- 25 (t) Broker Associate Michael Lee Bjorkman on his website [www.teambjorkman.com](http://www.teambjorkman.com).
- 26 (u) Broker Associate Gregory Thomas McDaniel on his Facebook page.
- 27 (v) Broker Associate Victoria Anne Leas on her Facebook page.

The failure of the licensees to comply with Section 10159.6(a) (license number-team name requirements), as set forth above, demonstrates Respondents' failure to supervise licensees as required by Section 2725 of the Regulations (broker supervision) and Section 10159.s (responsible broker/directing officer) of the Code and constitute grounds for disciplinary action under the provisions of Section 10177(d) (violate real estate law), 10177 (g) (negligence/incompetence licensee) and 10177(h) (broker supervision) of the Code.

FIFTH CAUSE OF ACTION

Complainant refers to Paragraphs 1 through 21, above, and incorporates the same, herein, by reference.

Respondents failed to notify the Department that they hired licensees as required by Section 10161.8, including, but not limited to the following:

- (a) Robert James Martins
- (b) Joseph Peter Parker
- (c) Karen Ray Bartlett
- (d) Ellen Herrle
- (e) Joseph Geral Stillwagon II.

The above acts and/or omissions of MARQUEZ violate Section 10159.2 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the Regulations and constituted grounds for disciplinary action under the provisions of Section 10177(d) (willful disregard/violation of Real Estate Law) and 10177(h) (broker supervision) of the Code.



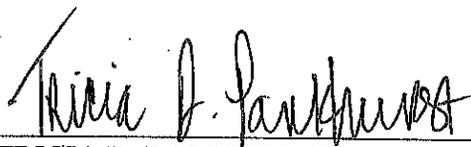
1  
2 At all times herein above mentioned, MARQUEZ was responsible as the  
3 designated officer for ERC, for the supervision and control of the activities conducted on behalf  
4 of ERC's business by its employees. MARQUEZ failed to exercise reasonable supervision and  
5 control over the real estate activities of ERC. In particular, MARQUEZ permitted, ratified  
6 and/or caused the conduct described above, to occur, and failed to take reasonable steps,  
7 including but not limited to handling of trust funds, supervision of employees, and the  
8 implementation of policies, rules, and systems to ensure the compliance of the business with the  
9 Real Estate Law and the Regulations.

10  
11 The above acts and/or omissions of MARQUEZ violate Section 10159.2  
12 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the  
13 Regulations and constituted grounds for disciplinary action under the provisions of Section  
14 10177(d) (willful disregard/violation of Real Estate Law) and 10177(h) (broker supervision) of  
15 the Code.

16  
17 Section 10106 of the Code provides, in pertinent part, that in any order issued  
18 in resolution of a disciplinary proceeding before the Department, the commissioner may request  
19 the administrative law judge to direct a licensee found to have committed a violation of this part  
20 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
22 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary  
23 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of  
24 Division 4 of the Business and Professions Code), for the cost of investigation, cost of  
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26 enforcement of this action, the cost of the audit, and for such other and further relief as may be  
27 proper under other provisions of law.

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TRICIA D. PARKHURST  
Supervising Special Investigator

Dated at Sacramento, California,  
this 13<sup>th</sup> day of March, 2019.

DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.