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**FILED**

OCT 14 2024

DEPT. OF REAL ESTATE

By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) DRE No. H-07406 SAC  
13 )  
14 Elisha Janae Walters, ) ACCUSATION  
15 )  
16 Respondent. )  
17 \_\_\_\_\_ )

18 The Complainant, Heather Nishimura, a Supervising Special Investigator of the  
19 State of California, for cause of Accusation of Elisha Janae Walters, a.k.a. "Elisha Walters,"  
20 "Elisha Janae Foster" and "Elisha Janae Papworth" ("Respondent"), alleges as follows:

21 1.

22 The Complainant, Heather Nishimura, a Supervising Special Investigator of the  
23 State of California, makes this Accusation in her official capacity.

24 2.

25 Unless otherwise noted, all references to the "Code" are to the California  
26 Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of  
27 Division 4 of the Code, and all references to "Regulations" are to the Regulations of the Real  
Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

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a. Respondent is presently licensed and/or has license rights under the Code, as a real estate salesperson with the Department of Real Estate (“Department” or “DRE”), DRE License ID 01743657.

c. At all relevant times mentioned herein and according to current DRE records, Respondent has been licensed under a corporate broker, Trifecta Real Estate, Inc., DRE License ID 01937607, since at least April 2014.

**(VERONICA J. COMPLAINT)**

According to a complaint submitted to the Department by Veronica J. (“C”) on August 1, 2023 with attachments of pertinent supporting documents, C alleged that Respondent, while acting as a real estate agent, committed violations of the Real Estate Law, including misrepresentation and failure to disclose. C alleged that in or about November 2021, C and her husband were purchasers to a property located at 2611 Paloma Road, Valley Springs, CA 95252 (“subject property”) and that since C was a licensed real estate broker, she represented herself and her husband in the transaction. Respondent acted as the listing agent, representing sellers Dennis E. and Cynthia E. (referred collectively as “Sellers”).

According to C, the subject property was listed on the Multiple Listing Service (“MLS”) as “fully renovated.” Upon viewing the subject property, on or about September 22, 2021, C sent Respondent a text message inquiring about various items, including the permit status for the remodel of the subject property. Respondent responded back via text that the subject property “[r]emodel is permitted including roof and HVAC.”

1 6.

2 On or about October 7, 2021, C submitted an offer for the purchase of the  
3 subject property. On or about October 12, 2021, the Sellers accepted C's offer of \$630,000.00.  
4 On or about October 12, 2021, escrow was opened by First American Title for the subject  
5 property sales transaction. On or about November 22, 2021, said escrow closed.

6 7.

7 On or about October 25, 2021, C received the Real Estate Transfer Disclosure  
8 Statement ("TDS") and the Seller Property Questionnaire ("SPQ"), both with Sellers'  
9 signatures dated October 18, 2021. After escrow closed, it was later discovered that: (a)  
10 Respondent signed, with the Sellers' permission, the TDS and SPQ with Sellers' signatures.  
11 Respondent did not disclose to C, prior to the close of escrow, that Respondent signed said  
12 forms on behalf of the Sellers. (b) There were some issues in the TDS and SPQ that were not  
13 disclosed, including but not limited to the failure to disclose that roof and HVAC were  
14 unpermitted renovations.

15 8.

16 According to C, on or about November 15, 2021, Respondent told C over the  
17 phone that there were already permits for the roof and the HVAC and that C was waiting for  
18 the remodel permit. Respondent told C that the permit inspector would be coming out to the  
19 subject property the next day and the final permit would be issued. On November 16, 2021,  
20 Respondent sent C a text message attaching a photograph of a Calaveras County Permit along  
21 with Respondent's words "Final permit."

22 9.

23 According to documents provided to the DRE by the Calaveras County Building  
24 Department, the permit for the remodel of subject property was finalized on November 16,  
25 2021. The permit for the re-roofing of the subject property, which was approved as of October  
26 21, 2019, was not finalized and expired as of September 10, 2023. The permit for the replacing  
27 the HVAC, which was approved as of October 21, 2019, was also not finalized. When escrow

1 closed on November 22, 2021, the permits for the re-roofing and the HVAC were not finalized.

2 **(RESPONDENT'S RESPONSE TO DRE REQUEST FOR INFORMATION)**

3 10.

4 a. When interviewed by the Department, Respondent confirmed that on several  
5 occasions before and after the close of escrow of the subject property, Respondent told C that  
6 the subject property was fully permitted. Respondent stated that at the time she made those  
7 statements, she believed the subject property was fully permitted, because she was told by  
8 Dennis E., one of the Sellers, and by Shawn R., the contractor that worked on the subject  
9 property, that the subject property was fully permitted. Respondent later learned that the  
10 subject property was not fully permitted, as the only permit that was finalized was for the  
11 remodel, not the re-roof or the HVAC.

12 b. On or about September 22, 2021, Respondent responded back to C, via text,  
13 about the permit status of the subject property, saying that the "[r]emodel is permitted including  
14 roof and HVAC," based on what Dennis E. and Shawn R. had told her.

15 c. On November 16, 2021, C inquired, via a text message, about a permit  
16 inspection that was to take place that day at the subject property. Respondent responded by  
17 texting back "Final permit" with a photograph of a document from the Calaveras County  
18 Building Department entitled "Inspection Record" which had the inspector signature and date  
19 after the words "Final Approval." At that time, Respondent believed the remodeling permit  
20 was the only permit that needed finalizing, because she believed the permits for the re-roof and  
21 HVAC were already finalized.

22 11.

23 When interviewed by the Department, Respondent confirmed that she completed  
24 the TDS and SPQ for the Sellers and signed the documents as if the Sellers had signed them.  
25 Respondent stated that the Sellers both gave her permission to sign the documents on their  
26 behalf, because the Sellers did not want to come into Respondent's office to sign due to Covid-  
27 19. Respondent indicated that upon completion of the TDS and SPQ, Respondent and the

1 Sellers reviewed the responses together over the telephone and did not send a copy to the  
2 Sellers for their review. Respondent stated that at the time when she submitted the TDS and  
3 SPQ to C, Respondent believed the responses in the TDS and SPQ were true and correct.

4 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

5 **(Code section 10176 (selected portions) –**

6 **Substantial Misrepresentation and Dishonest Dealing)**

7 12.

8 Pursuant to Code section 10176(a) *Grounds for Revocation or Suspension:*

9 “The commissioner may, upon his or her own motion, and shall, upon the  
10 verified complaint in writing of any person, investigate the actions of any person engaged in the  
11 business or acting in the capacity of a real estate licensee within this state, and he or she may  
12 temporarily suspend or permanently revoke a real estate license at any time where the licensee,  
13 while a real estate licensee, in performing or attempting to perform any of the acts within the  
14 scope of this chapter has been guilty of any of the following:

15 (a) Making any substantial misrepresentation.

16 . . .

17 (i) Any other conduct, whether of the same or of a different character than  
18 specified in this section, which constitutes fraud or dishonest dealing...”

19 **(Code section 10176 (selected portions) – Negligence)**

20 13.

21 Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action:*

22 “The commissioner may suspend or revoke the license of a real estate licensee,  
23 delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an  
24 applicant, who has done any of the following:

25 . . .

26 (g) Demonstrated negligence or incompetence in performing an act for which  
27 the officer, director, or person is required to hold a license...”

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14.

Complainant re-alleges and incorporates by reference the preceding paragraphs as set forth herein.

15.

**(Violation of Code section 10176(a) – Substantial Misrepresentation)**

In the course of the activities described above, and based on the facts discovered by the Department, also described above, Respondent substantially misrepresented to C on several occasions, that the Subject was fully permitted, including the re-roof and HVAC, in Respondent's text messages to C on September 22, 2021 and November 16, 2021. These acts were in violation of Code section 10176(a), which constitute cause for the suspension or revocation of all licenses and license rights of Respondent.

16.

**(Violation of Code section 10177(g) – Negligence)**

**(Violation of Code section 10176(i) – Dishonest Dealing)**

In the course of the activities described above, and based on the facts discovered by the Department, also described above, Respondent was negligent when she failed to disclose to C that Respondent signed the TDS and SPQ on behalf of the Sellers, which ultimately deceived C to believe that the TDS and SPQ were signed by the Sellers. These acts were in violation of Code section 10177(g) and section 10176(i), which constitute cause for the suspension or revocation of all licenses and license rights of Respondent.

## INVESTIGATION AND ENFORCEMENT COSTS

17.

Section 10106 of the Code, provides, in pertinent part, that in any order issued in connection with the 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 investigation and enforcement of the

1 case.

2 WHEREFORE, Complainant prays that a hearing be conducted on the  
3 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
4 disciplinary action against the licenses and/or license rights of Respondent ELISHA JANA  
5 WALTERS under the Real Estate Law, for the costs of investigation and enforcement as  
6 permitted by law and for such other and further relief as may be proper under other applicable  
7 provisions of law.

8  
9 Dated at Sacramento, California, on October 10, 2024.

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12 Luke Martin for  
13 Heather Nishimura  
14 Supervising Special Investigator  
15

16  
17 cc: ELISHA JANA WALTERS  
18 Trifecta Real Estate, Inc.  
19 Heather Nishimura  
20 Sacto.  
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