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FILED

JUN 26 2008

DEPARTMENT OF REAL ESTATE

By K. Mur

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-8931 SF
SYLVIA DECASTRO VILLANUEVA, )	
Respondent. )	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 24, 2004, in Case No. H-8931 SF, a Decision was rendered revoking the real estate broker license of Respondent effective January 18, 2005, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on January 18, 2005, and Respondent has operated as a restricted licensee since that time.

On June 12, 2007, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate broker license and that it would not be  
6 against the public interest to issue said license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's  
8 petition for reinstatement is granted and that a real estate  
9 broker license be issued to Respondent if Respondent satisfies  
10 the following conditions within nine (9) months from the date of  
11 this Order:

12 1. Submittal of a completed application and payment of  
13 the fee for a real estate broker license.

14 2. Submittal of evidence of having, since the most  
15 recent issuance of an original or renewal real estate license,  
16 taken and successfully completed the continuing education  
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
18 for renewal of a real estate license.

19 This Order shall be effective immediately.

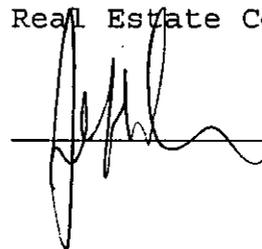
20 DATED: \_\_\_\_\_

8-24-08

21  
22 JEFF DAVI

23 Real Estate Commissioner

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25  
26  
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A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is cursive and somewhat stylized.

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FILED

JUN 26 2008

DEPARTMENT OF REAL ESTATE

By H. Max

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-8931 SF
JMJ REAL ESTATE, INC., )	
Respondent. )	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 24, 2004, in Case No. H-8931 SF, a Decision was rendered revoking the corporate real estate broker license of Respondent effective January 18, 2005, but granting Respondent the right to the issuance of a restricted corporate real estate broker license. A restricted corporate real estate broker license was issued to Respondent on January 18, 2005, and Respondent has operated as a restricted licensee since that time.

On June 12, 2007, Respondent petitioned for reinstatement of said corporate real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has

1 demonstrated to my satisfaction that Respondent meets the  
2 requirements of law for the issuance to Respondent of an  
3 unrestricted corporate real estate broker license and that it  
4 would not be against the public interest to issue said license  
5 to Respondent.

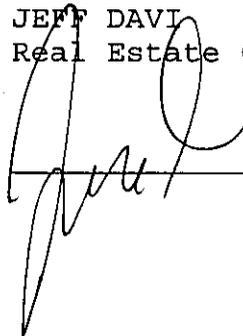
6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for reinstatement is granted and that a corporate real  
8 estate broker license be issued to Respondent if Respondent  
9 satisfies the following conditions within nine (9) months from  
10 the date of this Order:

11 1. Submittal of a completed application and payment of  
12 the fee for a corporate real estate broker license.

13 This Order shall be effective immediately.

14 DATED: 6-23-08

16 JEFF DAVIS  
17 Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davis', is written over a horizontal line. The signature is stylized and cursive.

27

1 Department of Real Estate  
2 P. O. Box 187000 7  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
DEC 28 2004

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

10	In the Matter of the Accusation of	)	No. H-8931 SF
11		)	
12	JMJ REAL ESTATE, INC.,	)	STIPULATION AND
13	and	)	AGREEMENT
14	SYLVIA DECASTRO VILLANUEVA,	)	
15	Respondents.	)	
16		)	

17 It is hereby stipulated by and between Respondent JMJ  
18 REAL ESTATE, INC. (hereinafter "Respondent CORPORATION") and  
19 SYLVIA DECASTRO VILLANUEVA (hereinafter "Respondent VILLANUEVA")  
20 and the Complainant, acting by and through Michael B. Rich,  
21 Counsel for the Department of Real Estate, as follows for the  
22 purpose of settling and disposing of the Accusation filed on  
23 September 23, 2004, in this matter (hereinafter "the  
24 Accusation"):

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and  
27 Respondents at a formal hearing on the Accusation, which hearing

1 was to be held in accordance with the provisions of the  
2 Administrative Procedure Act (APA), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of  
4 this Stipulation and Agreement.

5           2. All Respondents have received, read, and  
6 understand the Statement to Respondent, the Discovery Provisions  
7 of the APA, and the Accusation filed by the Department of Real  
8 Estate in this proceeding.

9           3. On September 29, 2004, Respondents filed a Notice  
10 of Defense pursuant to Section 11505 of the Government Code for  
11 the purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondents hereby freely and voluntarily withdraw  
13 said Notice of Defense. Respondents acknowledge that they  
14 understand that by withdrawing said Notice of Defense  
15 Respondents will thereby waive their respective right to require  
16 the Commissioner to prove the allegations in the Accusation at a  
17 contested hearing held in accordance with the provisions of the  
18 APA and that Respondents will waive other rights afforded to  
19 Respondents in connection with the hearing such as the right to  
20 present evidence in defense of the allegations in the Accusation  
21 and the right to cross-examine witnesses.

22           4. This Stipulation is based on the factual  
23 allegations contained in the Accusation. In the interests of  
24 expedience and economy, Respondents choose not to contest these  
25 allegations, but to remain silent and understand that, as a  
26 result thereof, these factual allegations, without being  
27 admitted or denied, will serve as a prima facie basis for the

1 disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove said factual allegations.

4           5. It is understood by the parties that the Real  
5 Estate Commissioner may adopt the Stipulation and Agreement as  
6 her decision in this matter, thereby imposing the penalty and  
7 sanctions on Respondent's real estate license and license rights  
8 as set forth in the "Order" below. In the event that the  
9 Commissioner in her discretion does not adopt the Stipulation  
10 and Agreement, it shall be void and of no effect, and  
11 Respondents shall retain the right to a hearing and proceeding  
12 on the Accusation under all the provisions of the APA and shall  
13 not be bound by any admission or waiver made herein.

14           6. The Order or any subsequent Order of the Real  
15 Estate Commissioner made pursuant to this Stipulation and  
16 Agreement shall not constitute an estoppel, merger or bar to any  
17 further administrative or civil proceedings by the Department of  
18 Real Estate with respect to any matters which were not  
19 specifically alleged to be cause for accusation in this  
20 proceeding.

21           7. Respondents understand that by agreeing to this  
22 Stipulation and Agreement in Settlement, Respondents, and each  
23 of them, jointly and severally, agree to pay, pursuant to  
24 Section 10148 of the Business and Professions Code, the cost of  
25 the audit which led to this disciplinary action. The amount of  
26 said costs is \$5,180.75.

27



1 revocation of the real estate license and license rights of  
2 Respondent VILLANUEVA under the provisions of: Section 10177(h)  
3 and/or 10159.2(a) of the Business and Professions Code in  
4 conjunction with Section 10177(d) of the Code.

5 ORDER

6 I

7 The respective real estate broker licenses and all  
8 license rights of Respondent JMJ REAL ESTATE, INC., and  
9 Respondent SYLVIA DECASTRO VILLANUEVA under the Real Estate Law  
10 are revoked; provided, however, a restricted corporate real  
11 estate broker license shall be issued to Respondent CORPORATION  
12 and a restricted real estate broker license shall be issued to  
13 Respondent VILLANUEVA pursuant to Section 10156.5 of the  
14 Business and Professions Code if Respondents respectively make  
15 application therefor and pay to the Department of Real Estate  
16 the respective appropriate fee for the restricted license within  
17 ninety (90) days from the effective date of this Decision. The  
18 restricted licenses respectively issued to Respondents shall be  
19 subject to all of the provisions of Section 10156.7 of the  
20 Business and Professions Code and to the following limitations,  
21 conditions and restrictions imposed under authority of Section  
22 10156.6 of that Code:

23 1. The restricted licenses issued respectively to  
24 Respondents may be suspended prior to hearing by Order of the  
25 Real Estate Commissioner in the event of Respondent  
26 CORPORATION's or Respondent VILLANUEVA's respective conviction  
27 or plea of nolo contendere to a crime which is substantially

1 related to Respondent's fitness or capacity as a real estate  
2 licensee.

3           2. The restricted licenses issued respectively to  
4 Respondents may be suspended prior to hearing by Order of the  
5 Real Estate Commissioner on evidence satisfactory to the  
6 Commissioner that a Respondent has violated provisions of the  
7 California Real Estate Law, the Subdivided Lands Law,  
8 Regulations of the Real Estate Commissioner or conditions  
9 attaching to the restricted license.

10           3. Respondents, respectively, shall not be eligible  
11 to apply for the issuance of an unrestricted real estate license  
12 nor for the removal of any of the conditions, limitations, or  
13 restrictions of a restricted license until two (2) years have  
14 elapsed from the effective date of this Decision.

15           4. Respondent VILLANUEVA shall, within nine (9)  
16 months from the effective date of this Decision, present  
17 evidence satisfactory to the Real Estate Commissioner that  
18 Respondent VILLANUEVA has, since the most recent issuance of an  
19 original or renewal real estate license, taken and successfully  
20 completed the continuing education requirements of Article 2.5  
21 of Chapter 3 of the Real Estate Law for renewal of a real estate  
22 License. If Respondent VILLANUEVA fails to satisfy this  
23 condition, the Commissioner may order the suspension of the  
24 restricted license until Respondent VILLANUEVA presents such  
25 evidence. The Commissioner shall afford Respondent VILLANUEVA  
26 the opportunity for a hearing pursuant to the Administrative  
27 Procedure Act to present such evidence.

1           5. Respondent VILLANUEVA shall, within six (6) months  
2 from the effective date of this Decision, take and pass the  
3 Professional Responsibility Examination administered by the  
4 Department including the payment of the appropriate examination  
5 fee. If Respondent VILLANUEVA fails to satisfy this condition,  
6 the Commissioner may order suspension of Respondent VILLANUEVA  
7 's license until Respondent VILLANUEVA passes the examination

8           6. Respondent VILLANUEVA shall, prior to and as a  
9 condition of the issuance of the restricted license, submit  
10 proof satisfactory to the Commissioner of having taken and  
11 successfully completed the continuing education course on trust  
12 fund accounting and handling specified in subdivision (a) of  
13 Section 10170.5 of the Business and Professions Code. Proof of  
14 satisfaction of this requirement includes evidence that  
15 Respondent VILLANUEVA has successfully completed the trust fund  
16 account and handling continuing education course within 120 days  
17 prior to the effective date of the Decision in this matter.

18           7. Respondent VILLANUEVA shall, prior to and as a  
19 condition of the issuance of the restricted license, submit  
20 proof satisfactory to the Commissioner of having taken and  
21 successfully completed the continuing education course on trust  
22 fund accounting and handling specified in subdivision (a) of  
23 Section 10170.5 of the Business and Professions Code. Proof of  
24 satisfaction of this requirement includes evidence that  
25 Respondent has successfully completed the trust fund account and  
26 handling continuing education course within 120 days prior to  
27 the effective date of the Decision in this matter.

1                   8. Pursuant to Section 10148 of the Business and  
2                   Professions Code, Respondents and each of them, jointly and  
3 severally, shall pay the Commissioner's reasonable cost for: a)  
4 the audit which led to this disciplinary action and, b) a  
5 subsequent audit to determine if Respondent has corrected the  
6 trust fund violations found in paragraphs I and II of the  
7 Determination of Issues. In calculating the amount of the  
8 Commissioner's reasonable cost, the Commissioner may use the  
9 estimated average hourly salary for all persons performing  
10 audits of real estate brokers, and shall include an allocation  
11 for travel time to and from the auditor's place of work.  
12 Respondents shall pay such cost within sixty (60) days of  
13 receiving an invoice from the Commissioner detailing the  
14 activities performed during the audit and the amount of time  
15 spent performing those activities. The Commissioner may suspend  
16 the restricted licenses issued to Respondents pending a hearing  
17 held in accordance with Section 11500, et seq., of the  
18 Government Code, if payment is not timely made as provided for  
19 herein, or as provided for in a subsequent agreement between the  
20 Respondents and the Commissioner. The suspension shall remain  
21 in effect until payment is made in full or until Respondents  
22 enter into an agreement satisfactory to the Commissioner to  
23 provide for payment, or until a decision providing otherwise is  
24 adopted following a hearing held pursuant to this condition.

25                   9. Any restricted real estate broker license issued  
26 to Respondents may be suspended or revoked for a violation,

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1 respectively, by either Respondent of any of the conditions  
2 attaching to the restricted licenses.

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11/15/04  
DATED

*Michael B. Rich*  
MICHAEL B. RICH, Counsel  
DEPARTMENT OF REAL ESTATE

\* \* \*

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me, and to present evidence in defense and mitigation of the charges.

10-29-04  
DATED

*JMJ Real Estate Inc*  
*Sylvia D Villanueva*  
JMJ REAL ESTATE, INC.  
Respondent  
By: SYLVIA DECASTRO VILLANUEVA

10-29-04  
DATED

*Sylvia D Villanueva*  
SYLVIA DECASTRO VILLANUEVA  
Respondent

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\* \* \*

The foregoing Stipulation and Agreement for Settlement  
is hereby adopted by the Real Estate Commissioner as her  
Decision and Order and shall become effective at 12 o'clock noon  
on January 18, 2005

IT IS SO ORDERED November 24 2004.

JEFF DAVI  
Real Estate Commissioner



---

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED  
SEP 23 2004

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-8931 SF  
12 )  
13 JMJ REAL ESTATE, INC., and ) ACCUSATION  
14 SYLVIA DECASTRO VILLANUEVA, )  
15 Respondents. )

16 The Complainant, LES J. BETTENCOURT, a Deputy Real  
17 Estate Commissioner of the State of California, for causes of  
18 Accusation against JMJ REAL ESTATE, INC., doing business under  
19 the fictitious names of JMJ FINANCIAL, JMJ MORTGAGE FUNDING, and  
20 RE/MAX ACHIEVERS, and against SYLVIA DECASTRO VILLANUEVA, is  
21 informed and alleges as follows:

22 FIRST CAUSE OF ACCUSATION

23 I

24 The Complainant, LES J. BETTENCOURT, a Deputy Real  
25 Estate Commissioner of the State of California, makes this  
26 Accusation against Respondents in his official capacity and not  
27 otherwise.

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II

Respondents JMJ REAL ESTATE, INC., and SYLVIA DECASTRO VILLANUEVA, are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code).

III

At all times herein mentioned, Respondent JMJ REAL ESTATE, INC., (hereafter "Respondent CORPORATION") was and is licensed by the Department of Real Estate (hereafter "Department") as a corporate real estate broker.

IV

At all times herein mentioned, Respondent SYLVIA DECASTRO VILLANUEVA (hereafter "Respondent VILLANUEVA") was and is licensed by the Department of Real Estate (hereafter "Department") as an individual real estate broker and as the designated broker/officer of Respondent CORPORATION. As said designated officer/broker, Respondent VILLANUEVA was at all times mentioned herein 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 Respondent CORPORATION for which a license is required.

V

Whenever reference is made in an allegation in this Accusation to an act or omission of Respondent CORPORATION, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with Respondent CORPORATION committed such act or

1 omission while engaged in the furtherance of the business or  
2 operations of Respondent CORPORATION and while acting within the  
3 course and scope of their corporate authority and employment.

4 VI

5 Within the last three years and at all times herein  
6 mentioned, Respondents engaged in the business of, acted in the  
7 capacity of, advertised, or assumed to act as a real estate  
8 broker within the State of California within the meaning of  
9 Sections 10131(a) and 10131(d) of the Code, including:

10 (a) The operation and conduct of a real estate resale  
11 brokerage with the public wherein, on behalf of  
12 others, for compensation or in expectation of  
13 compensation, Respondent sold or offered to sell,  
14 bought or offered to buy, solicited prospective  
15 sellers or purchases of, solicited or obtained  
16 listings of, and/or negotiated the purchase or  
17 sale of real property pursuant to Section  
18 10131(a); and,

19 (b) The business of the soliciting borrowers and  
20 lenders or negotiating loans in connection with  
21 loans secured directly or collaterally by liens on  
22 real property, wherein such loans were brokered,  
23 arranged, processed, and/or consummated on behalf  
24 of others pursuant to Section 10131(d) of the  
25 Code, for or in expectation of compensation.

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VII

Beginning in December of 2003, the Department conducted an audit of the above business activities of Respondent for the time period of January 1, 2003 through November 30, 2003.

VIII

In so acting as a real estate broker, as described in Paragraph VI above, Respondents accepted or received funds in trust (hereinafter "trust funds") from or on behalf of buyers, borrowers and/or others in connection with real estate sales and lending activities.

IX

During the period from at least January 1, 2003, to about November 30, 2003, Respondents negotiated the sale and purchase of real property in California, and received and disbursed earnest money deposits, including, but not limited to, the following:

<u>Buyer Name</u>	<u>Property Address</u>	<u>Date</u>	<u>Deposit Amount</u>
Kevin Ka Wing Ip and Jenny A Lee	152 Kestrel Court Brisbane, California	9/11/03	\$10,000
Q. Shaikh and A. Shaikh	916 Brunswick Street Daly City, California	4/10/03	\$15,000
A. Medrano and M. Anzaldo	2120 Iroula Way Tracy, California	5/7/03	\$ 1,000

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XI

The acts and/or omissions of Respondents as alleged above constitute grounds for disciplinary action under the following provisions:

- (a) As alleged in Paragraph X(a), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) As alleged in Paragraph X(b), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code; and,
- (c) As alleged in Paragraph X(c), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code.

SECOND CAUSE OF ACCUSATION

XII

There is hereby incorporated in this Second, separate and distinct, Cause of Accusation, all of the allegations contained in Paragraphs I through VII, inclusive, of the First Cause of Accusation with the same force and effect as if herein fully set forth.

XIII

On October 1, 2003, the corporate powers, rights and privileges of Respondent CORPORATION were suspended by the Secretary of State of the State of California pursuant to Section 23302 of the California Revenue and Taxation Code. At no time from October 1, 2003, through March 18, 2004, inclusive,

\\

1 were the corporate powers, rights and privileges of Respondent  
2 CORPORATION reinstated.

3 XIV

4 During the period from at least October 1, 2003, to  
5 about March 18, 2004, inclusive, Respondent CORPORATION sold or  
6 offered to sell, bought or offered to buy, solicited prospective  
7 sellers or purchases of, solicited or obtained listings of,  
8 and/or negotiated the purchase or sale of real property for or  
9 in expectation of compensation, including, but not limited to,  
10 the following listings:

<u>Property Address</u>	<u>List Date</u>	<u>Expire Date</u>	<u>List Price</u>	<u>Transaction Number</u>
11 458 Flood Avenue 12 San Francisco, CA	10/6/03	12/6/03	\$2,100,000	N/A
13 480 - 45th Street 14 San Francisco, CA	10/28/03	1/21/04	\$ 620,000	10038GAOVV
15 631-3 Pt. Pacific 16 Daly City, CA	10/28/03	1/31/04	\$ 415,000	10038GAOV6

17 X

18 During the period from at least January 1, 2003, to  
19 about November 30, 2003, Respondents solicited borrowers and  
20 lenders and/or negotiated loans in connection with loans secured  
21 directly or collaterally by liens on real property, wherein such  
22 loans were brokered, arranged, processed, and/or consummated on  
23 behalf of others for or in expectation of compensation,  
24 including, but not limited to, the following:

25 \\\

26 \\\

27 \\\

<b>Borrower Name</b>	<b>Property Address</b>	<b>Loan Amount</b>	<b>Date Closed</b>
Joan Allen	3146 Shelter Creek San Bruno, CA	\$154,850	10/27/03
Jesus Espinosa	82 Leo Circle S.San Francisco, CA	\$419,000	10/27/03
Rey Santos	701 Paris Street San Francisco, CA	\$320,000	10/24/03
P. Zaratan	535 Athens San Francisco, CA	\$500,000	11/13/03
Sapatu Ala	980 Peerless Court Tracy, CA	\$294,450	11/26/03
Zandra Rocha	86 Morton Drive Daly City, CA	\$378,750	12/3/03
J. Esguerra	1271 Coronado Dr. Sunnyvale, CA	\$640,000	12/3/03

VXI

The facts alleged in Paragraphs XIII, XIV, and XV, above, constitute cause under Section 2742(c) of the Regulations in conjunction with Section 10177(d) of the Code for the suspension or revocation of all licenses and license rights of Respondents under the Real Estate Law.

THIRD CAUSE OF ACCUSATION

XVII

There is hereby incorporated in this Third, separate and distinct, Cause of Accusation, all of the allegations contained in Paragraphs I through VII, inclusive, of the First Cause of Accusation with the same force and effect as if herein fully set forth.

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XVIII

On or about February 26, 2003, in the course of the activities described in Paragraph VI, above, Respondents entered into a written listing agreement (hereinafter "the agreement") with Bill C. Reverente and Soledad M. Reverente (hereinafter "the Reverentes") whereby the Reverentes granted Respondent CORPORATION exclusive employment and authorization to sell, offer to sell, solicit prospective buyers for, or advertise for sale real property owned by the Reverentes, located in San Francisco, California (hereinafter "the subject property").

XIX

The agreement provided that Respondent CORPORATION would have an exclusive right to list and sell the subject property on behalf of the Reverentes beginning February 25, 2003, and upon sale Respondent CORPORATION would receive a commission rate of three percent (3%) of the sale price.

XX

The agreement did not contain a definite, specified date of final and complete termination.

XXI

The acts and/or omissions of Respondents as alleged in Paragraphs XVIII, XIX, and XX, above, constitute grounds for the suspension or revocation of Respondents' license rights under Section 10176(f) of the Code.

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1 FOURTH CAUSE OF ACCUSATION

2 XXII

3 There is hereby incorporated in this Fourth, separate and  
4 distinct, Cause of Accusation, all of the allegations contained  
5 in Paragraphs I through VII, inclusive, of the First Cause of  
6 Accusation with the same force and effect as if herein fully set  
7 forth.

8 XXIII

9 In connection with the loan brokerage business  
10 described in Paragraph VI, above, Respondent CORPORATION failed  
11 to provide and/or failed to retain for a period of three (3)  
12 years a copy of the "Borrower Disclosure" statement showing the  
13 broker's signature or the signature of a licensee acting for the  
14 broker, the borrower's signature, and/or showing the broker  
15 license number, and/or containing a statement that the "good  
16 faith estimate" does not constitute a loan commitment as  
17 required by Section 10240 of the Code, in conformance with  
18 Section 10241 of the Code, including, but not limited to, the  
19 following transactions:

<u>Borrower</u> <u>Name</u>	<u>Property</u> <u>Address</u>	<u>Application</u> <u>Date</u>	<u>Loan</u> <u>Amount</u>
Edith Rodriguez	6501 Alta Drive Las Vegas, NV	3/13/03 & 6/11/03	\$ 77,000
Edith Rodriguez	6501 Alta Drive Las Vegas, NV	3/13/03 & 6/11/03	\$ 22,000
Josefina Esguerra	1271 Coronado Drive Sunnyvale, CA	8/25/03	\$640,000
Josefina Esguerra	1271 Coronado Drive Sunnyvale, CA	11/25/03	\$120,000

1 Cristia C. Gorospe 1271 Coronado Drive 10/30/03 & \$120,000  
2 Sunnyvale, CA 11/25/03

3 XXIV

4 The facts alleged in Paragraph XXIII, above, are  
5 grounds for the suspension or revocation of Respondent  
6 CORPORATION's license under the provisions of Section 10240 of  
7 the Code in conjunction with 10177(d) of the Code and/or Section  
8 10148 of the Code in conjunction with Section 10177(d) of the  
9 Code.

10 FIFTH CAUSE OF ACCUSATION

11 XXV

12 There is hereby incorporated in this Fifth, separate  
13 and distinct, Cause of Accusation, all of the allegations  
14 contained in Paragraphs I through VII, inclusive, of the First  
15 Cause of Accusation with the same force and effect as if herein  
16 fully set forth.

17 XXVI

18 Respondent CORPORATION employed Donovan Britt, a  
19 licensed real estate salesperson, and employed Isabelle Gil, a  
20 licensed real estate broker, without a written employment  
21 agreement.

22 XXVII

23 The failure of Respondent CORPORATION to have and/or  
24 maintain a written employment agreement for its employment of  
25 Donovan Britt and Isabelle Gil as alleged in Paragraph XXVI,  
26 above, constitutes grounds for disciplinary action under Section

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1 2726 of the Regulations in conjunction with Section 10177(d) of  
2 the Code.

3 SIXTH CAUSE OF ACCUSATION

4 XXVIII

5 There is hereby incorporated in this Sixth, separate  
6 and distinct, Cause of Accusation, all of the allegations  
7 contained in Paragraphs I through VII, inclusive, of the First  
8 Cause of Accusation with the same force and effect as if herein  
9 fully set forth.

10 XXIX

11 From on or about March, 2003 through December, 2003,  
12 Respondent Corporation employed Charles Floresca for or in  
13 expectation of compensation to act in the capacity of, or  
14 advertised and/or assumed to act, as a real estate broker or  
15 real estate salesperson in the State of California within the  
16 meaning of Section 10131(d) of the Code, including the business  
17 of soliciting borrowers and lenders or negotiating loans in  
18 connection with loans secured directly or collaterally by liens  
19 on real property, wherein such loans were brokered, arranged,  
20 processed, and/or consummated on behalf of others.

21 XXX

22 From on or about March, 2003 through December 2003, in  
23 the course of the activities and employment described in  
24 Paragraphs VI and XXIX, above, Charles Floresca, solicited  
25 and/or negotiated loans secured by real property in California,  
26 in expectation of compensation from or was paid by or otherwise

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1 received compensation from Respondent CORPORATION in various  
2 such transactions, including, but not limited to, the following:

<u>Borrower</u> <u>Name</u>	<u>Property</u> <u>Address</u>	<u>Application</u> <u>Date</u>	<u>Loan</u> <u>Amount</u>
Edith Rodriguez	6501 Alta Drive Las Vegas, NV	3/13/03 & 6/11/03	\$ 77,000
Edith Rodriguez	6501 Alta Drive Las Vegas, NV	3/13/03 & 6/11/03	\$ 22,000
Josefina Esguerra	1271 Coronado Drive Sunnyvale, CA	8/25/03	\$640,000
Josefina Esguerra	1271 Coronado Drive Sunnyvale, CA	11/25/03	\$120,000
Cristia C. Gorospe	1271 Coronado Drive Sunnyvale, CA	10/30/03 & 11/25/03	\$120,000

13 XXXI

14 At no time herein mentioned did the Department of Real  
15 Estate license Charles Floresca as either a real estate broker  
16 or as a real estate salesperson.

17 XXXII

18 The facts alleged in Paragraphs XXIX, XXX, and XXI,  
19 above, constitute cause for the suspension or revocation of the  
20 licenses and license rights of Respondent CORPORATION under  
21 Section 10137 of the Code.

22 SEVENTH CAUSE OF ACCUSATION

23 XXXIII

24 There is hereby incorporated in this Seventh, separate  
25 and distinct, Cause of Accusation, all of the allegations  
26 contained in Paragraphs I through VII, inclusive, of the First  
27 Cause of Accusation with the same force and effect as if herein

1 fully set forth.

2 XXXIV

3 At all times mentioned above, Respondent VILLANUEVA  
4 was responsible, as the designated officer of Respondent  
5 CORPORATION, for the supervision and control of the activities  
6 conducted on behalf of the corporation by its officers and  
7 employees. Respondent VILLANUEVA failed to exercise reasonable  
8 supervision and control over the real property sales, mortgage  
9 lending, and employment activities of Respondent CORPORATION.  
10 In particular, Respondent VILLANUEVA permitted, ratified, and/or  
11 caused the conduct described in the First, Second, Third,  
12 Fourth, Fifth, and Sixth Causes of Accusation above to occur,  
13 and failed to take reasonable steps to prevent, including but  
14 not limited to: the employment of an unlicensed person to  
15 conduct licensed activities; the improper record keeping of  
16 trust funds received but not placed in a trust account; failure  
17 to have a termination date in a listing agreement; failure to  
18 maintain corporate status in good standing while conducting  
19 licensed activities; failure to comply with the borrower  
20 disclosure statement requirements; failure to maintain written  
21 employment agreements; and, failed to implement policies, rules,  
22 procedures, and systems to ensure the compliance of the  
23 corporation with the Real Estate Law.

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XXXV

The above acts and/or omissions of Respondent VILLANUEVA constitute grounds for suspension or revocation of her real estate broker license under the provisions of Section 10177(h) of the Code and/or Section 10159.2(a) of the Code in conjunction with Section 10177(d) of the Code.

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

  
LES J. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 21st day of September, 2004.