

FILED

MAR 16 2010

DEPARTMENT OF REAL ESTATE



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-10448 SF
)	
FELIPE URIBE,)	
)	
Respondent.)	
)	

ORDER SUSPENDING REAL ESTATE LICENSE

(Professional Responsibility Examination)

TO: FELIPE URIBE ("Respondent"):

On May 19, 2009, a Decision was rendered herein suspending Respondent's real estate broker license, stayed on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision, effective June 17, 2009, in Case No. H-10448 SF. Among those terms and conditions, the Decision required Respondent to take and pass the Professional Responsibility Examination (hereinafter "the condition") within six (6) months after June 17, 2009, the effective date of the Decision, and provided that if Respondent failed to satisfy this condition, the Commissioner may impose the suspension until Respondent passes the examination.

///

1 As of December 17, 2009, Respondent has failed to submit proof satisfactory to
2 the Commissioner of successfully passing the above-ordered examination. The Commissioner
3 has determined that Respondent has failed to satisfy this condition, and as such, that
4 Respondent's license may be suspended until Respondent satisfies this condition.

5 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
6 Business and Professions Code of the State of California that Respondent's real estate broker
7 license and the exercise of any privileges thereunder is hereby suspended until such time as
8 Respondent provides proof satisfactory to the Commissioner of compliance with the condition
9 referred to above, or pending final determination made after hearing (see "Hearing Rights" set
10 forth below).

11 IT IS FURTHER ORDERED that all license certificates and identification cards
12 issued by the Department of Real Estate which are in the possession of Respondent be
13 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed,
14 stamped envelope:

15 DEPARTMENT OF REAL ESTATE
16 ATTN: Flag Section
17 P. O. Box 187000
Sacramento, CA 95818-7000

18 HEARING RIGHTS: You have the right to a hearing to contest the
19 Commissioner's determination that you are not in compliance with this condition. If you desire a
20 hearing, you must submit a written request. The request may be in any form, as long as it is in
21 writing and indicates that you want a hearing. Unless a written request for a hearing, signed by
22 or on behalf of you, is delivered or mailed to the Department, Legal Section, at 2201 Broadway,
23 P. O. Box 187007, Sacramento, California 95818-7007, within twenty (20) days after the date
24 that this Order was mailed to or served on you, the Department will not be obligated or required
25 to provide you with a hearing.

26 ///

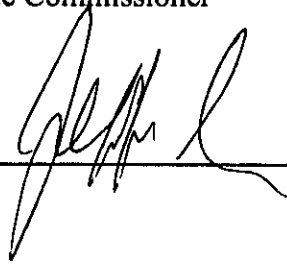
27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

This Order shall be effective immediately.

DATED: 3/5/2010

JEFF DAVI
Real Estate Commissioner



FILED

MAY 27 2009

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BRIAN T. HUGHES, RIKER HOMES,
INC., and FELIPE URIBE,

Respondents.

No. H-10448 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between BRIAN T. HUGHES (hereinafter "Respondent") and Respondent's attorney Mary E. Work, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on June 19, 2008 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

1 2. Respondent has received, read and understands the Statement to Respondent,
2 and the Discovery Provisions of the APA filed by the Department of Real Estate in this
3 proceeding.

4 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby
8 waive his rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA, and that he will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.
12

13 4. This stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
15 factual allegations, but to remain silent and understands that, as a result thereof, these factual
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth
17 below. The Real Estate Commissioner shall not be required to provide further evidence to prove
18 such allegations.
19

20 5. This Stipulation and Respondent's decision not to contest the Accusation
21 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an
24 agency of another state is involved.
25
26
27

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

9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Department of Real Estate with respect to any
12 matters which were not specifically alleged to be causes for accusation in this proceeding.
13

14 * * *

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations and waivers and solely for the purpose of
17 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
18 following determination of issues shall be made:
19

20 I

21 The acts and omissions of Respondent BRIAN T. HUGHES as described in the
22 Accusation are grounds for the suspension or revocation of Respondent's licenses and license
23 rights under Section 10177(g), and 10177(h) of the Code.
24

25 * * *

26 ORDER

27 All licenses and licensing rights of Respondent BRIAN T. HUGHES under the Real

1 Estate Law are suspended for a period of one hundred (100) days from the effective date of this

2 Order; provided, however, that:

3 1) Fifty (50) days of said suspension shall be stayed, upon the condition that Respondent

4 petition pursuant to Section 10175.2 of the Business and Professions Code and pays a
5 monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate
6 of \$150 for each day of the suspension for a total monetary penalty of \$7,500.

7
8 a) Said payment shall be in the form of a cashier's check or certified check made payable to
9 the Recovery Account of the Real Estate Fund. Said check must be delivered to the
10 Department prior to the effective date of the Order in this matter.

11 b) No further cause for disciplinary action against the Real Estate licenses of said
12 Respondent occurs within two (2) years from the effective date of the decision in this
13 matter.

14
15 c) If Respondent fails to pay the monetary penalty as provided above prior to the effective
16 date of this Order, the stay of the suspension shall be vacated as to that Respondent and
17 the order of suspension shall be immediately executed, under this Order, in which event
18 the said Respondent shall not be entitled to any repayment nor credit, prorated or
19 otherwise, for the money paid to the Department under the terms of this Order.

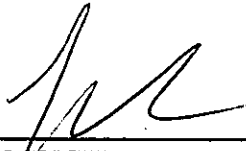
20
21 d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
22 and Agreement and if no further cause for disciplinary action against the real estate
23 license of said Respondent occurs within two (2) years from the effective date of this
24 Order, the entire stay hereby granted under this Order, as to said Respondent only, shall
25 become permanent.

26
27 2) The remaining fifty (50) days of said suspension shall be stayed for two (2) years upon the

1 following terms and conditions:

- 2 a) Respondent shall obey all laws, rules and regulations governing the rights, duties and
3 responsibilities of a real estate licensee in the State of California; and,
- 4 b) That no final subsequent determination be made, after hearing or upon stipulation, that
5 cause for disciplinary action occurred within two (2) years from the effective date of this
6 Order. Should such a determination be made, the Commissioner may, in his discretion,
7 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
8 Should no such determination be made, the stay imposed herein shall become permanent.
- 9
- 10 3) Respondent shall, within six (6) months from the effective date of this Decision, take and
11 pass the Professional Responsibility Examination administered by the Department including
12 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
13 the Commissioner may order suspension of the license until Respondent passes the
14 examination.
15

16 28-April-07
17 _____
18 DATED

16 
17 _____
18 TRULY SUGHRUE
19 Counsel for Complainant

20 * * *

21 I have read the Stipulation and Agreement, discussed it with my counsel, and its
22 terms are understood by me and are agreeable and acceptable to me. I understand that I am
23 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
24 intelligently and voluntarily waive those rights, including the right of requiring the
25 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
26 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
27 the charges.

4-28-2009

DATED

Brian T. Hughes

BRIAN T. HUGHES
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

4/28/09

DATED

Mary B. Work
MARY B. WORK
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on JUN 17 2009

IT IS SO ORDERED - 5-15-09

JEFF DAVY
Real estate Commissioner

Jeff Davy

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

MAY 27 2009

DEPARTMENT OF REAL ESTATE

[Signature]

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BRIAN T. HUGHES, RIKER HOMES,
INC., and FELIPE URIBE,

Respondents.

No. H-10448 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between FELIPE URIBE (hereinafter
"Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the
Department of Real Estate, as follows for the purpose of settling and disposing the Accusation
filed on June 19, 2008 in this matter:

1. All issues which were to be contested and all evidence which was to be
presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
shall instead and in place thereof be submitted solely on the basis of the provisions of this
Stipulation and Agreement.

1 2. Respondent has received, read and understands the Statement to
2 Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in
3 this proceeding.

4 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby
8 waive his rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA, and that he will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.
12

13 4. This stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
15 factual allegations, but to remain silent and understands that, as a result thereof, these factual
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth
17 below. The Real Estate Commissioner shall not be required to provide further evidence to prove
18 such allegations.
19

20 5. This Stipulation and Respondent's decision not to contest the Accusation
21 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an
24 agency of another state is involved.
25
26
27

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

9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Department of Real Estate with respect to any
12 matters which were not specifically alleged to be causes for accusation in this proceeding.
13

14 * * *

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations and waivers and solely for the purpose of
17 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
18 following determination of issues shall be made:
19

20 I

21 The acts and omissions of Respondent FELIPE URIBE as described in the
22 Accusation are grounds for the suspension or revocation of Respondent's licenses and license
23 rights under Section 10177(g) of the Code.
24

25 * * *

26 ORDER

27 All licenses and licensing rights of Respondent FELIPE URIBE under the Real Estate

1 Law are suspended for a period of sixty (60) days from the effective date of this Order; provided,

2 however, that:

- 3 1) Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent
4 petition pursuant to Section 10175.2 of the Business and Professions Code and pays a
5 monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate
6 of \$100 for each day of the suspension for a total monetary penalty of \$3,000.
- 7 a) Said payment shall be in the form of a cashier's check or certified check made payable to
8 the Recovery Account of the Real Estate Fund. Said check must be delivered to the
9 Department prior to the effective date of the Order in this matter.
- 10 b) No further cause for disciplinary action against the Real Estate licenses of said
11 Respondent occurs within two (2) years from the effective date of the decision in this
12 matter.
- 13 c) If Respondent fails to pay the monetary penalty as provided above prior to the effective
14 date of this Order, the stay of the suspension shall be vacated as to that Respondent and
15 the order of suspension shall be immediately executed, under this Order, in which event
16 the said Respondent shall not be entitled to any repayment nor credit, prorated or
17 otherwise, for the money paid to the Department under the terms of this Order.
- 18 d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
19 and Agreement and if no further cause for disciplinary action against the real estate
20 license of said Respondent occurs within two (2) years from the effective date of this
21 Order, the entire stay hereby granted under this Order, as to said Respondent only, shall
22 become permanent.
- 23 2) The remaining thirty (30) days of said suspension shall be stayed for two (2) years upon the
24
25
26
27

1 following terms and conditions:

- 2 a) Respondent shall obey all laws, rules and regulations governing the rights, duties and
3 responsibilities of a real estate licensee in the State of California; and,
- 4 b) That no final subsequent determination be made, after hearing or upon stipulation, that
5 cause for disciplinary action occurred within two (2) years from the effective date of this
6 Order. Should such a determination be made, the Commissioner may, in his discretion,
7 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
8 Should no such determination be made, the stay imposed herein shall become permanent.
- 9
- 10 3) Respondent shall, within six (6) months from the effective date of this Decision, take and
11 pass the Professional Responsibility Examination administered by the Department including
12 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
13 the Commissioner may order suspension of the license until Respondent passes the
14 examination.
15

16 29-April-09
17 _____
18 DATED

16 
17 _____
18 TRULY SUGHRUE
19 Counsel for Complainant

20 * * *

21 I have read the Stipulation and Agreement, and its terms are understood by me
22 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
24 those rights, including the right of requiring the Commissioner to prove the allegations in the
25 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
26 and to present evidence in defense and mitigation of the charges.
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

5/10/09

DATED

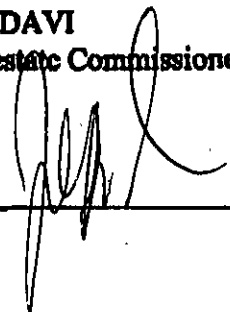


FELIPE URIBE
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on JUN 17 2009

IT IS SO ORDERED 5/19/09, 2009.

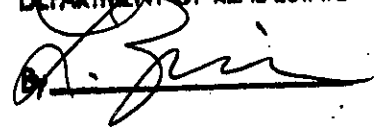
JEFF DAVI
Real estate Commissioner



FILED

MAY 27 2009

DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BRIAN T. HUGHES, RIKER HOMES,
INC., and FELIPE URIBE,

Respondents.

No. H-10448 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 13, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On June 19, 2008, Steven Ellis made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent RIKER HOMES, INC.'s (hereinafter "Respondent") last known mailing address on file with the Department on June 19, 2008.

On May 13, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent 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 (hereinafter "Code") as a real estate broker corporation.

III

At all times mentioned herein, Brian T. Hughes (hereinafter "Hughes") was and is licensed by the Department as a real estate broker. At all times mentioned, and continuing through to March 18, 2008, Hughes was licensed as the designated broker officer of RIKER.

IV

At all times mentioned herein Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate licensee in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others for compensation or in expectation of a compensation.

V

Between approximately July 15, 2005 and July 21, 2005, Respondent, acting as an agent of Mauro Garcia, solicited and obtained loans in the amount of \$392,000 and \$98,000 from Lime Financial Services LTD. to be secured by encumbrances on the property located 2391 Sunshine Drive, Concord, California by representing, contrary to fact, that the subject property would be Mauro Garcia's primary residence and that Mauro Garcia's income was \$11,850 per month. In truth, Mauro Garcia was acting as a straw buyer for Cristobal Martinez. Mauro Garcia never intended to occupy the property, and Mauro Garcia's income was between \$6,000 and \$7,000 per month.

VI

Between approximately July 24, 2005 and July 29, 2005, Respondent, acting as an agent of Mauro Garcia, solicited and obtained loans in the amount of \$496,000 and \$124,000 from First NLC Financial Services, LLC to be secured by encumbrances on the property located 1551 Per Street, Concord, California by representing, contrary to fact, that the subject property would be Mauro Garcia's primary residence and that Mauro Garcia's income was \$14,958 per month. In truth, Mauro Garcia was acting as a straw buyer for Cesar Garcia. Mauro Garcia never intended to occupy the property, and Mauro Garcia's income was between \$6,000 and \$7,000 per month.

///

VII

Between approximately July 29, 2005 and August 31, 2005, 2005, Respondent, acting as an agent of Carmen Benitez Alvarez solicited and obtained loans in the amount of \$500,000 and \$125,000 from Accredited Home Lenders, Inc. to be secured by encumbrances on real property located at 4023 Mount Day Court, Antioch, California, by concealing and failing to disclose the purchase of 292 Cashew Lane on or about August 13, 2005, in which Respondent was also the loan officer.

VIII

Between approximately December 7, 2005 and December 23, 2005, Respondent, acting as an agent of Antonio Flores solicited and obtained loans in the amount of \$328,000 and \$82,000 from Encore Credit Corporation to be secured by encumbrances on real property located at 7506 Camellia Lane, Stockton, California, by concealing and failing to disclose the purchase of 1951 Chaparral Way, Stockton on or about November 18, 2005, in which Respondent was also the loan officer.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10176(a), 10176(i), and 10176(j).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent RIKER HOMES, INC., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

JUN 17 2009


DATED: _____

5/19/09
JEFF DAVI
Real Estate Commissioner

FILED

MAY 13 2009

DEPARTMENT OF REAL ESTATE

By: 

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12)
13) BRIAN T. HUGHES, RIKER HOMES,
14) INC., and FELIPE URIBE,

No. H-10448 SF

DEFAULT ORDER

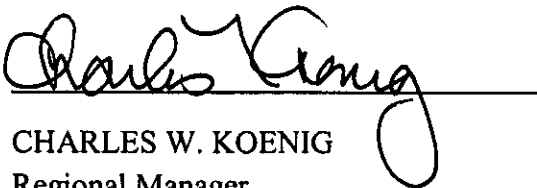
15 Respondents.

16 Respondent, RIKER HOMES, INC., having failed to file a Notice of Defense
17 within the time required by Section 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in this matter.
19

20 IT IS SO ORDERED May 13, 2009

21)
22) JEFF DAVI
23) Real Estate Commissioner

24 By:

25 
26 CHARLES W. KOENIG
27 Regional Manager

FILED

JUN 19 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-10448 SF
12	BRIAN T. HUGHES, RIKER HOMES,)	<u>ACCUSATION</u>
13	INC., and FELIPE URIBE)	
14	Respondents.)	

15
16 The Complainant, STEVEN ELLIS, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against BRIAN T. HUGHES, RIKER HOMES, INC., and FELIPE URIBE,
19 (hereinafter "Respondents"), are informed and alleges as follows:

20 I

21 The Complainant, STEVEN ELLIS, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 \\\
25 \\\
26 \\\
27 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

III

At all times mentioned herein RIKER HOMES, INC., (hereinafter "RIKER") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

IV

At all times mentioned herein, Respondent BRIAN T. HUGHES (hereinafter "HUGHES") was and is licensed by the Department as a real estate broker. At all time mention herein and continuing through to March 18, 2008, HUGHES was licensed as the designated broker officer of RIKER. As said designated officer-broker, HUGHES 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 RIKER for which a license is required.

V

At all times mentioned herein and continuing through to February 24, 2006, Respondent FELIPE URIBE (hereinafter "URIBE") was licensed by the Department as a real estate salesperson. At all times after February 25, 2006, URIBE was and is licensed by the Department as a real estate broker.

\\\

\\\

1 VI

2 At all times mentioned herein Respondents engaged in
3 the business of, acted in the capacity of, advertised or assumed
4 to act as real estate licensees in the State of California within
5 the meaning of Section 10131(d) of the Code, including the
6 operation and conduct of a mortgage loan brokerage business with
7 the public wherein Respondents solicited lenders and borrowers
8 for loans secured directly or collaterally by liens on real
9 property or a business opportunity, and wherein such loans were
10 arranged, negotiated, processed, and consummated by Respondent on
11 behalf of others for compensation or in expectation of a
12 compensation.

13 FIRST CAUSE OF ACTION

14 VII

15 Each and every allegation in Paragraphs I through VI,
16 inclusive, above are incorporated by this reference as if fully
17 set forth herein.

18 \\\

19 \\\

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

1 VIII

2 Between on or about July 15, 2005 and July 21, 2005,
3 HUGHES and RIKER, acting as an agent of Mauro Garcia, solicited
4 and obtained loans in the amount of \$392,000 and \$98,000 from
5 Lime Financial Services LTD., to be secured by an encumbrance on
6 the property located 2391 Sunshine Drive, Concord, California by
7 representing, contrary to fact, that the subject property would
8 be Mauro Garcia's primary residence and that Mauro Garcia income
9 was \$11,850 per month. In truth, Mauro Garcia was acting as a
10 straw buyer for Cristobal Martinez, Mauro Garcia never intended
11 to occupy the property, and Mauro Garcia's income was between
12 \$6,000 and \$7,000 per month.

13 IX

14 Between on or about July 24, 2005 and July 29, 2005,
15 HUGHES and RIKER, acting as an agent of Mauro Garcia, solicited
16 and obtained loans in the amount of \$496,000 and \$124,000 from
17 First NLC Financial Services, LLC to be secured by an encumbrance
18 on the property located 1551 Per Street, Concord, California by
19 representing, contrary to fact, that the subject property would
20 be Mauro Garcia's primary residence and that Mauro Garcia income
21 was \$14,958 per month. In truth, Mauro Garcia was acting as a
22 straw buyer for Cesar Garcia, Mauro Garcia never intended to
23 occupy the property, and Mauro Garcia's income was between \$6,000
24 and \$7,000 per month.

25 \\\

26 \\\

27 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

X

Between on or about July 29, 2005 and August 31, 2005, 2005, HUGHES and RIKER, acting as an agent of Carmen Benitez Alvarez solicited and obtained loans in the amount of \$500,000 and \$125,000 from Accredited Home Lenders, Inc. to be secured by an encumbrance on real property located at 4023 Mount Day Court, Antioch, California, by concealing and failing to disclose the purchase of 292 Cashew Lane on or about August 13, 2005, in which HUGHES was also the loan officer.

XI

Between on or about December 7, 2005 and December 23, 2005, URIBE and RIKER, acting as an agent of Antonio Flores solicited and obtained a loan in the amount of \$328,000 and \$82,000 from Encore Credit Corporation to be secured by an encumbrance on real property located at 7506 Camellia Lane, Stockton, California, by concealing and failing to disclose the purchase of 1951 Chaparral Way, Stockton, California, on or about November 18, 2005, in which URIBE was also the loan officer.

XII

The acts and omissions of Respondents HUGHES, RIKER, and URIBE described above constitute fraud and/or dishonest dealing, and constitute cause to suspend or revoke all licenses and license rights of Respondent pursuant to the provisions of Sections 10176(a), 10176(i), and/or 10177(j) of the Code.

\\\
\\\
\\

1 XIII

2 In the alternative, HUGHES', RIKER's, and URIBE's
3 conduct described above constitutes the making of substantial
4 misrepresentations, and negligence or incompetence in performing
5 acts requiring a real estate license, and is cause under
6 Sections 10176(a) and 10177(g) of the Code for suspension or
7 revocation of all licenses and license rights of Respondents.

8 SECOND CAUSE OF ACTION

9 XIV

10 Each and every allegation in Paragraphs I through XIII,
11 inclusive, above, are incorporated by this reference as if fully
12 set forth herein.

13 XV

14 Respondent HUGHES failed to exercise reasonable
15 supervision over the acts of RIKER in such a manner as to allow
16 the acts and events described above to occur.

17 XVI

18 The acts and/or omissions of HUGHES described in
19 Paragraph XV, constitute failure on the part of HUGHES, as
20 designated broker-officer for RIKER, to exercise reasonable
21 supervision and control over the licensed activities of RIKER as
22 required by Section 10159.2 of the Code.

23 \\\

24 \\\

25 \\\

26 \\\


27 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

XVII

The facts described above as to the Second Cause of Action constitute cause for the suspension or revocation of the licenses and license rights of Respondent HUGHES under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 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.


STEVEN ELLIS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 19th day of June, 2008