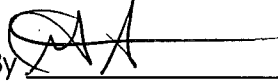


FILED

March 6, 2012

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

DEPARTMENT OF REAL ESTATE

By  _____

5 Telephone: (916) 227-0789
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7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-11339 SF
13 MELISSA MARIA ECHEVERRIA,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the
17 State of California, for Accusation against Respondent MELISSA MARIA ECHEVERRIA
18 (ECHEVERRIA) is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation against Respondent in his official
21 capacity.

22 2

23 At all times mentioned herein, ECHEVERRIA has been licensed by the
24 Department of Real Estate (the Department) as a real estate salesperson. At no time mentioned
25 herein was she licensed by the Department as a real estate broker.

26 3

27 M. Properties Global Network, Inc. (MPGN) currently is licensed by the
Department as a Corporate Real Estate Broker. Evan Keith Langer was the Designated Officer

1 until he cancelled this designation on September 29, 2008. Charles H. Smith then became the
2 Designated Officer until he cancelled the designation on May 26, 2010.

3 4

4 At no time herein was M. E. Properties (ME) licensed by the Department as a
5 fictitious business name or corporate real estate broker. ECHEVERRIA did business under the
6 name M. E. Properties. Whenever reference is made to ECHEVERRIA, it includes ME as well
7 as ECHEVERRIA.

8 5

9 At all times herein mentioned, ECHEVERRIA engaged in the business of, acted
10 in the capacity of, advertised, or assumed to act as a real estate broker within the State of
11 California within the meaning of Section 10131(d) of the Business and Professions Code
12 (Code), including the operation and conduct of a property management business with the public
13 wherein, on behalf of others, ECHEVERRIA managed property for various property owners,
14 including but not limited to that certain real property known as 19 Toussin Ave., Kentfield,
15 California (Toussin Property), property on Vineyard in Marin County and property on Mono
16 Way in Marin County all for or in expectation of compensation.

17 6

18 On or about August 27, 2009, ECHEVERRIA prepared a residential lease for
19 tenants and owners for the rental of the Toussin Property. The owner was ECHEVERRIA's
20 brother, Donald Anders.

21 7

22 From and since August 27, 2009, ECHEVERRIA, without the knowledge of
23 either Langer or Smith, performed property management activities on behalf of owner of the
24 Toussin Property, including, but not limited to, collecting rent and disbursing the same in cash
25 and making it available for Anders to pick up.

26 ///

27 ///

2 At ECHEVERRIA's direction, and without the knowledge of Langer or Smith,
3 Leigh Nicholes performed property management activities on properties including, but not
4 limited to, property on Vineyard, Marin County and property on Mono Way, Marin County.

6 The facts alleged above constitute cause for the suspension or revocation of the
7 licenses and license rights of Respondent ECHEVARRIA under Sections 10130 (Acts
8 Requiring Real Estate License), 10131(b) (Broker Activity-Property Management) and 10137
9 (Accepting Compensation from Person Other Than Broker) of the Code and are grounds for
10 disciplinary action under Sections 10177(d) (Willful Disregard/Violation Real Estate Law) or
11 10177(g) (Negligence/Incompetence Real Estate Licensee).

12 SECOND CAUSE OF ACTION

14 Complainant refers to Paragraphs 1 through 9, above and incorporates the same,
15 herein by reference.

17 In the course of the activities described in Paragraph 3, ECHEVARRIA received
18 rents in connection with her property management activities which constituted trust funds and
19 connection with the collection and disbursement of trust funds, ECHEVARRIA:

- 20 (a) Failed to maintain a trust account for property management activities as
21 required by Section 10145 of the Code;
- 22 (b) Failed to maintain a record of trust funds received and paid out as
23 required by Section 2831 of the Regulations and Section 10145 of the
24 Code;
- 25 (c) Failed to maintain separate beneficiary records for the owners of trust
26 funds as required by Section 2831.1 of the Regulations;

- 1 (d) Failed to reconcile the control records and the separate beneficiary
2 records on a monthly basis as required by Section 2831.2 of the
3 Regulations;
- 4 (e) Because ECHEVERRIA failed to maintain required records,
5 accountability could not be established as required by Section 10145 of
6 the Code;
- 7 (f) Failed to register the fictitious business name M. E. Property as required
8 by Section 2731 of the Regulations.

9 12

10 The acts and/or omissions of ECHEVERRIA as alleged above violate Sections
11 2731 (Registering Fictitious Business Name) of the Regulations and Section 10145(c)(Trust
12 Fund Handling) of the Code and are grounds for discipline under Sections 10177(d) (Willful
13 Violation/Disregard Real Estate Law) or 10177(g) (Negligence/Incompetence Real Estate
14 Licensee) of the Code.

15 13

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

20 COST RECOVERY

21 Section 10106 of the Code provides, in pertinent part, that in any order issued in
22 resolution of a disciplinary proceeding before the department, the Commissioner may request the
23 administrative law judge to direct a licensee found to have committed a violation of this part to
24 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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26 //

27 /

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

6
7 
8 E. J. HABERER, II
9 Deputy Real Estate Commissioner

10 Dated at Oakland, California,
11 this 29 day of February, 2012