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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ARTURO GARCIA SANCHEZ,)
13 Respondent.)
14 _____)

NO. H-11446 SF

ACCUSATION

15 The Complainant, ROBIN TANNER, a Deputy Real Estate Commissioner of the
16 State of California, for causes of Accusation in her official capacity against ARTURO GARCIA
17 SANCHEZ (herein "Respondent") dba's "A S Property Management" and "A S Diversified
18 Investments, LLC," is informed and alleges as follows:

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20 Respondent is presently licensed and/or has license rights under the Real Estate
21 Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the Code").

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23 Respondent is licensed by the Department of Real Estate (herein "the
24 Department") as a real estate salesperson and was employed by S & L Home Loans, Inc. (herein
25 "S & L") between about May 6, 2008 and about August 30, 2011. Respondent is currently
26 employed by LG Servicing, Inc., effective about November 21, 2011. Between about August 31,
27 2011 and about November 21, 2011, Respondent was not in the employ of any real estate broker.

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2 Between about July 2009 and about September 9, 2011, Respondent engaged in the
3 business of, acted in the capacity of, and assumed to act as a real estate broker within the State of
4 California, within the meaning of Section 10131(b) of the Code in the operation of a property
5 management business with the public wherein, on behalf of others, for compensation or in
6 expectation of compensation, Respondent leased or rented or offered to lease or rent, or solicited
7 listings of places for rent, or solicited for prospective tenants of real property or improvements
8 thereon, or collected rents from real property or improvements thereon, including a real property
9 located on International Blvd, Oakland, California, rented by Emilio N., a tenant in foreclosure,
10 on behalf of the owner, 1492 Investors, LLC, without the knowledge and/or authorization of
11 S & L, in violation of Sections 10130, 10137, and 10176(i) and/or 10177(j) of the Code.

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13 At all times herein mentioned, in so acting as described in Paragraph 3, above,
14 Respondent failed to disclose his employment relationship with S & L to corporate real estate
15 brokers, RMRF Enterprises, Inc. (herein "RMRF") and LG Servicing, Inc. (herein "LG"), two
16 (2) entities for whom Respondent conducted the property management services described in
17 Paragraph 3, above, in violation of Sections 10176(a), (c) and (i) and/or 10177(j) of the Code.

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19 At all times herein mentioned, in so acting as described in Paragraphs 3 and 4,
20 above, Respondent accepted or received funds in trust (herein "trust funds") from or on behalf of
21 owners, tenants, and others in connection with the leasing, renting, and collection of rents on real
22 property or improvements, and from time to time made disbursements of said funds, without the
23 knowledge and/or authorization of S & L, in violation of Sections 10130 and 10176(i) and/or
24 10177(j) of the Code.

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26 At all times mentioned herein, in so acting as described in Paragraph 5, above,
27 said trust funds accepted or received by Respondent were deposited or caused to be deposited by

1 Respondent into a bank account not designated as a trust, but rather an account owned and
2 maintained by Respondent for the handling of trust funds at the San Jose, California, branch of
3 JP Morgan Chase Bank in an account entitled "AS Diversified Investments, LLC dba AS
4 Property Management," account # xxxx-xxxxxxx194-4, without the knowledge or authorization
5 of S & L, in violation Section 10145(c) of the Code.

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7 At all times mentioned herein, in connection with the trust fund account described
8 in Paragraph 6, above, Respondent commingled with his own money or property the money or
9 property of others which was received and held by Respondent, in violation of Section 10176(e)
10 of the Code.

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12 At all times mentioned herein, Respondent conducted real estate activities using
13 the fictitious business names "A S Property Management" and "A S Diversified Investments,
14 LLC," without first obtaining a license bearing such fictitious name, in violation of Section 2731,
15 Chapter 6, Title 10, of the California Code of Regulations (herein "the Regulations").

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17 The facts alleged above are grounds for the suspension or revocation of the license
18 and license rights of Respondent under the following provisions of the Code and/or the Regulations:

- 19 (a) as to Paragraph 3, under Sections 10130, 10137, and 10176(i) and/or
20 10177(j) of the Code in conjunction with Section 10177(d) of the
21 Code;
- 22 (b) as to Paragraph 4, under Sections 10176(a), (c) and (i) and/or 10177(j)
23 of the Code;
- 24 (c) as to Paragraph 5, under Sections 10130 and 10176(i) and/or 10177(j)
25 of the Code in conjunction with Section 10177(d) of the Code;
- 26 (d) as to Paragraph 6, under Section 10145(c) of the Code in conjunction
27 with Section 10177(d) of the Code;

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- (e) as to Paragraph 7, under Section 10176(e) of the Code; and
- (f) as to Paragraph 8, under Section 2731 of the Regulations 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 Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.



ROBIN TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 6th day of July, 2012.