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FILED
APR 11 2013

DEPARTMENT OF REAL ESTATE
By R. Mar

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 JOSE MAURICIO GONZALEZ,) No. H-11542 SF
14 Respondent.) ACCUSATION
15)

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17 The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy Real
18 Estate Commissioner of the State of California, for cause of Accusation against JOSE
19 MAURICIO GONZALEZ ("Respondent"), individually and doing business as "MatrixOne
20 Realty" and "Matrixone Mortgage", is informed and alleges as follows:

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22 Respondent is presently licensed by the Department of Real Estate ("the
23 Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the
24 Business and Professions Code ("the Code") as a real estate broker.

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26 At all times relevant herein, Respondent engaged in the business of, acted in the
27 capacity of, advertised or assumed to act as a real estate broker within the State of California

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Bank Account #2

Wells Fargo Bank
632 Laurel Street
San Carlos, CA 94070

Account No.: XXXXXX2475

Account Name: Jose M. Gonzalez

Signatories: Jose M. Gonzalez, REB

Thereafter, Respondent from time-to-time made disbursement of said trust funds.

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In the course of the activities described in Paragraph 2, above, in connection with the collection and disbursement of trust funds:

(a) Respondent failed to designate twelve (12) bank accounts, including Bank Accounts #1 and #2, as trust accounts. Such acts and/or omissions by Respondent violate Section 10145 of the Code and Section 2832 (trust fund handling) of Title 10 of the California Code of Regulations (“the Regulations”).

(b) Respondent failed to deposit trust funds he collected into a trust account. Such acts and/or omissions by Respondent violate Section 10146 (deposit of trust funds into trust account) of the Code.

(c) Respondent failed to furnish a verified copy of an accounting with respect to advance fees he collected to the principals at the end of each calendar quarter or when he had completely performed each contract. Such acts and/or omissions by Respondent violate Section 10146 of the Code and Section 2972 of the Regulations (accounting content).

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The facts alleged in Paragraph 5, above, are grounds for the suspension or revocation of the license(s) and license rights of Respondent under Sections 10177(d) (willful disregard of Real Estate Law) and/or 10177(g) (negligence/incompetence) of the Code. In addition, the Department is entitled to reimbursement from Respondent for the costs of its audit

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1 pursuant to Section 10148(b) (cost of audit in final decision following disciplinary hearing) of
2 the Code.

3 SECOND CAUSE OF ACTION

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5 While acting as a real estate broker as described in Paragraph 2, above, and within
6 the audit period, Respondent conducted activity involving mortgage loan originations, including:

7 (a) Respondent failed to notify the Department by January 31, 2010, about his
8 Mortgage Loan Originator ("MLO") activities related to loan modifications services. Such acts
9 and/or omissions by Respondent violate Section 10166.02(a) (notification of MLO activity) of
10 the Code.

11 (b) Beginning January 1, 2011, and continuing through at least July 2012,
12 Respondent performed loan modifications without obtaining an MLO endorsement for his real
13 estate license. Such acts and/or omissions by Respondent violate Section 10166.02(b) (obtaining
14 MLO endorsement) of the Code.

15 (c) Respondent failed to file online Mortgage Call Reports to the Nationwide
16 Mortgage Licensing System and Registry for the entirety of 2011 and the first quarter of 2012.
17 Such acts and/or omissions by Respondent violate Section 10166.08 (filing of Mortgage Call
18 Report) of the Code.

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20 The facts alleged in Paragraph 7, above, are grounds for the suspension or
21 revocation of the license(s) and license rights of Respondent under Sections 10177(d) and/or
22 10177(g) of the Code.

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1 THIRD CAUSE OF ACTION

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3 Respondent failed to disclose his real estate license identification number on loan
4 modification agreements entered into after January 1, 2012, including, but not limited to the
5 following:

<u>Client</u>	<u>Property Address</u>
Victor S.	1029 Admiralty Lane, Foster City, CA
Angel N. and Ana N.	1032 Inverness Drive, San Carlos, CA

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10 Such acts and/or omissions by Respondent violate Section 10140.6(b) (disclosure of license
11 status) of the Code and Section 2773 (disclosure of license identification numbers) of the
12 Regulations.

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14 The facts alleged in Paragraph 9, above, are grounds for the suspension or
15 revocation of the license(s) and license rights of Respondent under Sections 10177(d) and/or
16 10177(g) of the Code.

17 COST RECOVERY

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

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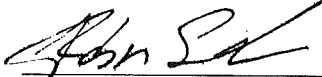
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation, and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code, for the reasonable cost of investigation and prosecution of this case, including agency attorney's fees, and for such other and further relief as may be proper under applicable provisions of law.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 9th day of April, 2013.