

FILED

May 1, 2014

Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670

BUREAU OF REAL ESTATE



By _____

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:

GREG FLORES DE VINE, individually
and doing business as W. E. DE VINE &
COMPANY

No. H-11692 SF

PRELIMINARY BAR ORDER
AND NOTICE OF INTENTION TO
ISSUE BAR ORDER

TO: GREG FLORES DE VINE
229 BRANNAN STREET, STE 10A
SAN FRANCISCO, CA 94107

Pursuant to Section 10087 of the California Business and Professions Code (Code), GREG FLORES DE VINE (DE VINE), individually and dba W. E. DE VINE & COMPANY, is hereby notified of the intention of the California Real Estate Commissioner (Commissioner) to issue a Bar Order pursuant to Section 10087(a)(1) and 10087(a)(2) of the Code on the following grounds:

1. On or about July 1, 2012, Respondent listed 502-516 Lewis Street, Oakland, California (Lewis Property), for seller Joan W. as a short-sale listing, with Wells Fargo Bank (Wells Fargo) as the first lien holder.
2. At some point after July 1, 2012, Respondent became a dual agent, and also represented the potential buyer, P2 Oakland, CA LLC (P2Oak).

1 3. On or about August 13, 2012, Respondent sent a falsified bank account
2 statement as proof of funds for P2Oak. Respondent used an ITLLC bank statement, changed
3 the name of the account holder to P2Oak and added a 2 in front of the beginning and ending
4 balances to misrepresent the balances by \$200,000.00.

5 4. On about March 13, 2013, Wells Fargo initially approved the short-sale of
6 the Lewis Property.

7 5. At some point after March 13, 2013, Wells Fargo discovered that
8 Respondent had provided fraudulent bank statements and rejected the short-sale of the Lewis
9 Property.

10 6. Had Wells Fargo known of that the bank statement was fraudulent during
11 its initial review, it would have rejected the short-sale of the Lewis Property earlier. Had this
12 short-sale gone through, Wells Fargo potentially would have faced a \$318,750.00 loss.

13 7. The representations made by Respondent to Wells Fargo were false, and
14 Respondent knew that they were false when those representations were made. The true facts
15 were that the potential buyer had \$200,000.00 less in its bank account than what was
16 represented, and that Respondent made these misrepresentations to get the benefit of a
17 commission on the short-sale of the Lewis Property.

18 8. On or about July 25, 2012, Respondent listed 1032-1034 Peralta Street,
19 Oakland, California (Peralta 1 Property), for seller Joan W. as a short-sale listing, with Select
20 Portfolio Services as the first lien holder.

21 9. At some point in 2012, Respondent became a dual agent and also
22 represented the potential buyer, P2Oak.

23 10. In or about June, 2013, Respondent sent a falsified bank account
24 statement as proof of funds for P2Oak. Respondent used an ITLLC bank statement, changed
25 the name of the account holder to P2Oak so as to reflect the funds of ITLLC, rather than
26 P2Oak's funds.

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1 11. At some point after June 2013, Select Portfolio Services approved the
2 short-sale of the Peralta 1 Property.

3 12. Had Select Portfolio Services known of that the bank statement was
4 fraudulent, it would have rejected the short-sale of the Peralta 1 Property.

5 13. The representations made by Respondent to Select Portfolio Services
6 were false, and Respondent knew that they were false when those representations were made.
7 The true facts were that the potential buyer had less money in its bank account than what was
8 represented, and that Respondent made these misrepresentations to get the benefit of a
9 commission on the short sale of the Peralta 1 Property.

10 14. On or about July 29, 2013, Respondent listed 1207 Peralta Street,
11 Oakland, California (Peralta 2 Property), for seller Joyce L. as a short-sale listing, with Wells
12 Fargo Bank as the first lien holder.

13 15. At some point in August 2013, Respondent became a dual agent and also
14 represented the potential buyer, P2Oak.

15 16. On or about August 2013, Respondent sent a falsified bank account
16 statement as proof of funds for P2Oak. Respondent used an ITLLC bank statement, changed
17 the name of the account holder to P2Oak and added a 2 in place of a 1 to the beginning and
18 ending balances to misrepresent the balances by \$100,000.00.

19 17. At some point after August 2013, Wells Fargo discovered that Respondent
20 has provided fraudulent bank statements and rejected the short-sale of the Peralta 2 Property.

21 18. Wells Fargo considered the fact that Respondent submitted fraudulent
22 bank statements material to its decision to reject the short-sale of the Peralta 2 Property.

23 19. The representations made by Respondent to Wells Fargo were false, and
24 Respondent knew that they were false when those representations were made. The true facts
25 were that the potential buyer had \$100,000.00 less in its bank account than what was
26 represented, and that Respondent made these misrepresentations to get the benefit of a
27 commission on the short-sale of the Peralta 2 Property.

1 20. On or about January 16, 2013, Respondent submitted an offer to purchase
2 527 Chester Street, Oakland, California (Chester Property), for buyers Gene and Kathryn C.
3 The Chester Property was listed as a short-sale, with JP Morgan Chase Bank (JP Morgan Chase)
4 as the first lien holder.

5 22. On or about June 5, 2013, Respondent sent a falsified bank account
6 statement as proof of funds for Gene and Kathryn C. to the listing agent, Jamec Blue (Blue).
7 Respondent used an ITLLC bank statement and changed the name of the account holder to Gene
8 and Kathryn C., so as to reflect the funds of ITLLC.

9 23. On about June 26, 2013, JP Morgan Chase approved the short-sale of the
10 Chester Property.

11 24. Had JP Morgan Chase known of that the bank statement was fraudulent
12 during its initial review, it would have rejected the short-sale of the Chester Property. Had Blue
13 known the same, he would have not forwarded the bank statement to JP Morgan Chase and
14 would have cancelled the sale.

15 25. The representations made by Respondent to Blue and JP Morgan Chase
16 were false, and Respondent knew that they were false when those representations were made.
17 The true facts were that the potential buyers had less in their bank account than what was
18 represented, and that Respondent made these misrepresentations to get the benefit of a
19 commission on the short sale of the Chester Property.

20 26. The activities of DE VINE dba W. E. DE VINE & COMPANY, as
21 described in Paragraphs 1 through 25, constitute grounds for the suspension or revocation of DE
22 VINE's license and license rights exist under Sections 10176(a), 10176(b), 10176(c), 10176(i),
23 of the Code.

24 27. A Bar Order is in the public interest in that DE VINE dba W. E. DE
25 VINE & COMPANY, which violations were known to DE VINE dba W. E. DE VINE &
26 COMPANY, or should have been known to him.

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1 28. A Bar Order is in the public interest in that DE VINE dba W. E. DE
2 VINE & COMPANY have violated provisions of the Code, which violations have caused
3 material damage to the public.

4 Please take notice that the Commissioner seeks to bar and prohibit GREG
5 FLORES DE VINE dba W. E. DE VINE & COMPANY, for a period of thirty-six (36) months
6 from the effective date of the Bar Order, from engaging in any of the following activities in the
7 State of California:

- 8 (A) Holding any position of employment, management, or control in a real
9 estate business;
- 10 (B) Participating in any business activity of a real estate salesperson or a real
11 estate broker;
- 12 (C) Engaging in any real estate related business activity on the premises where
13 a real estate salesperson or real estate broker is conducting business; and,
- 14 (D) Participating in any real estate related business activity of a finance lender,
15 residential mortgage lender, bank credit union, escrow company, title
16 company, or underwritten title company.

17 GREG FLORES DE VINE, INDIVIDUALLY AND DOING BUSINESS AS W.
18 E. DE VINE & COMPANY, IS IMMEDIATELY PROHIBITED FROM ENGAGING IN ANY
19 BUSINESS ACTIVITY INVOLVING REAL ESTATE THAT IS SUBJECT TO
20 REGULATIONS UNDER THE REAL ESTATE LAW.

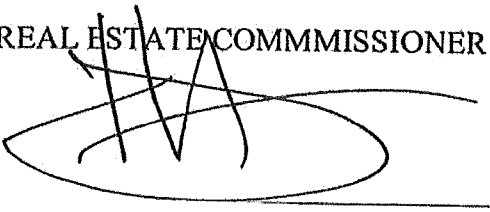
21 NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

22 Pursuant to Section 10087 of the Code, you have the right to request a hearing
23 under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section
24 11400 of the Government Code). If you desire a hearing, you must submit a written request
25 within fifteen (15) days after the mailing or service of this “Notice of Intention to Issue Bar
26 Order and Preliminary Bar Order.” The request may be in any form provided it is in writing,
27 includes your current return address, indicates that you want a hearing, is signed by you or on

1 your behalf, and is mailed to the Bureau of Real Estate, P. O. Box 137007, Sacramento,
2 California 95813-7007, attention: Legal Section; or, delivered personally to the offices of the
3 Bureau of Real Estate, 1651 Exposition Blvd., Sacramento, California.

4 If no hearing is requested within said fifteen (15) day time period, your failure to
5 request a hearing shall constitute a waiver of the right to a hearing.

6 It is so ordered this 14th day of April, 2014.

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8 REAL ESTATE COMMISSIONER
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12 By: JEFFREY MASON
13 Chief Deputy Commissioner
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