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FILED

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BUREAU OF REAL ESTATE
By J. CUMMINGS

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

11 In the Matter of the Accusation of:)
12 MAURICIO J. RODRIGUEZ and) CalBRE No. H-11859 SF
13 LILIANA RODRIGUEZ,) ACCUSATION
14 Respondents.)

15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 MAURICIO J. RODRIGUEZ ("MAURICIO") and LILIANA RODRIGUEZ ("LILIANA")
18 (collectively referred to herein as "Respondents"), is informed and alleges as follows:

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20 MAURICIO is presently licensed and/or has license rights under the Real Estate
21 Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate
22 salesperson.

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24 LILIANA is presently licensed and/or has license rights under the Real Estate
25 Law as a real estate salesperson.

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2 At all times mentioned herein, Respondents engaged in the business of, acted in
3 the capacity of, advertised, or assumed to act as real estate licensees, in the State of California,
4 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a
5 real estate resale brokerage with the public, wherein, on behalf of others, for compensation or in
6 expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,
7 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated
8 the purchase and resale of real property.

9 4

10 At all times mentioned herein, LILIANA was the Chief Executive Officer and
11 Managing Member of Alliance Bay Group, LLC. ("Alliance, LLC"), a legally licensed
12 corporation described in corporate documents filed with the California Secretary of State as
13 performing "real estate investments." At all relevant times, LILIANA and MAURICIO served
14 as signatories on Alliance, LLC's Wells Fargo Bank account no. XXXXXX5808.

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16 At all times mentioned herein, LILIANA was the President of Alliance Bay
17 Group, Inc. ("Alliance, Inc."), a general stock corporation as described in corporate documents
18 filed with the California Secretary of State. At all relevant times herein, MAURICIO was an
19 officer of Alliance, Inc.

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21 At all times mentioned herein, Ramona Z. owned real property located at 2633
22 90th Avenue, Oakland CA, 94605 ("Subject Property"). The Subject Property was encumbered
23 by a mortgage through Wells Fargo Bank.

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25 On or about June 25, 2013, MAURICIO entered into a listing agreement with
26 Ramona Z. giving MAURICIO the exclusive right to list the Subject Property for a period of six
27 months. The listing agreement indicated the listing price for the Subject Property shall be

1 \$160,000.00 and provided that MAURICIO shall be entitled to a six percent commission for his
2 services related to the sale of the Subject Property.

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4 At some time after June 25, 2013, MAURICIO sought the assistance of Karim S.
5 to serve as a short sale negotiator regarding the sale of the Subject Property.

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7 On or about June 27, 2013, Alliance, Inc. submitted an offer to purchase the
8 Subject Property for \$160,000.00. LILIANA, the President of Alliance, Inc., served as the real
9 estate salesperson for Alliance, Inc. regarding said offer.

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11 As proof that Alliance, Inc. had sufficient funds to purchase the Subject Property,
12 LILIANA provided MAURICIO with a Wells Fargo Bank statement that reflected an inflated
13 account balance for July 2013 regarding Wells Fargo Bank account no. XXXXXX5808.
14 Specifically, for the period of July 1, 2013 through July 31, 2013, the statement provided by
15 LILIANA to MAURICIO showed that for Wells Fargo Bank account no. XXXXXX5808,
16 Alliance, Inc. had a beginning balance on July 1, 2013 of \$240,856.94 and an ending balance on
17 July 31, 2013 of \$239,989.94. In truth, Alliance Inc.'s Wells Fargo Bank account no.
18 XXXXXX5808 had a beginning balance on July 1, 2013 of \$956.95 and an ending balance on
19 July 31, 2013 of negative \$11.06.

20 11

21 After MAURICIO received the fraudulent July 2013 statement from LILIANA, as
22 described above in Paragraph 10, MAURICIO provided the fraudulent July 2013 statement,
23 knowing it to be fraudulent, to short sale negotiator Karim S., who in turn provided the
24 fraudulent July 2013 statement to Wells Fargo Bank.

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On or about December 20, 2013, Wells Fargo Bank declined the offer submitted on behalf of Alliance, Inc. as a result of the submission of the fraudulent bank statement described above in Paragraphs 10 and 11.

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As set out above in Paragraphs 9 through 12, Respondents' representations and/or actions were substantially fraudulent, misleading, dishonest and deceitful and were known by Respondents to be substantially fraudulent, misleading, dishonest and deceitful during the transaction of the Subject Property.

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The acts and/or omissions of Respondents, as alleged above in Paragraphs 9 through 13, are grounds for the revocation or suspension of Respondents' real estate licenses or license rights under sections 10176(a) (misrepresentation), 10176(i) (fraud or dishonest dealing), 10177(j) (fraud or dishonest dealing) and/or 10177(g) (negligence/incompetence) of the Code.

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license rights of all Respondents named herein under the Real Estate Law (Part 1

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1 of Division 4 of the Business and Professions Code), for the costs of investigation and
2 enforcement as permitted by law, and for such other and further relief as may be proper under
3 other provisions of law.

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6 ROBIN S. TANNER
7 Supervising Special Investigator

8 Dated at Oakland, California,
9 this 24th day of June, 2015.

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11 DISCOVERY DEMAND

12 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
13 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the
14 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the
15 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
16 Administrative Hearings deems appropriate.