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FILED

OCT 18 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
<u>CENTURY PLUS REALTORS INC.</u> ; and)	No. H-36167 LA
<u>CARLOS CASTRO</u> , individually and as)	
designated officer of Century Plus)	
Realtors Inc.,)	
)	
Respondents.)	
)	
)	
)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 10, 2009, an Accusation was filed in this matter against Respondent CENTURY PLUS REALTORS INC.

On August 11, 2011, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that CENTURY PLUS REALTORS INC.'s petition for voluntary surrender of its real estate broker

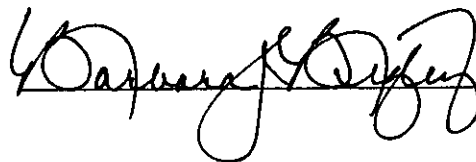
1 license and/or license rights are accepted as of the effective
2 date of this Order as set forth below, based upon the
3 understanding and agreement expressed in Respondent's Declaration
4 dated August 11, 2011, (attached as Exhibit "A" hereto).
5 Respondents' license certificate, pocket card and any branch
6 office license certificate shall be sent to the below listed
7 address so that they reach the Department on or before the
8 effective date of this Order:

9
10 Department of Real Estate
11 Atten: Licensing Flag Section
12 P.O. Box 187000
13 Sacramento, CA 95818-7000

14 This Order shall become effective at 12 o'clock noon on
15 November 7, 2011.

16 DATED: 9/26, 2011

17 BARBARA J. BIGBY
18 Acting Real Estate Commissioner

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"EXHIBIT A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
CENTURY PLUS REALTORS INC.; and)
CARLOS CASTRO, individually and as)
designated officer of Century Plus)
Realtors Inc.,)
)
Respondents.)
)
)
)

No. H-36167 LA

DECLARATION

My name is Carlos Castro and I am the designated officer of CENTURY PLUS REALTORS INC. which is licensed as a real estate broker and/or has license rights with respect to said licenses. I am acting on behalf of and am authorized and empowered to sign this declaration on behalf of CENTURY PLUS REALTORS INC. CENTURY PLUS REALTORS INC. is represented in this matter by Yolanda Franco, Esq.

1 In lieu of proceeding in this matter in accordance
2 with the provisions of the Administrative Procedures Act
3 (Sections 11400 et seq., of the Government Code) CENTURY PLUS
4 REALTORS INC. wishes to voluntarily surrender its real estate
5 license issued by the Department of Real Estate ("Department"),
6 pursuant to Business and Professions Code Section 10100.2.

7 I understand that CENTURY PLUS REALTORS INC., by so
8 voluntarily surrendering its license, can only have it
9 reinstated in accordance with the provisions of Section 11522 of
10 the Government Code. I also understand that by so voluntarily
11 surrendering its license rights, CENTURY PLUS REALTORS INC.
12 agrees to the following:

13 The filing of this Declaration shall be deemed as
14 CENTURY PLUS REALTORS INC.'s petition for voluntary surrender.
15 It shall also be deemed to be an understanding and agreement by
16 CENTURY PLUS REALTORS INC. that, it waives all rights it has to
17 require the Commissioner to prove the allegations contained in
18 the Accusation ("Accusation") filed in this matter at a hearing
19 held in accordance with the provisions of the Administrative
20 Procedures Act (Government Code Sections 11400 et seq.), and
21 that it also waives other rights afforded to it in connection
22 with the hearing such as the right to discovery, the right to
23 present evidence in defense of the allegations in the Accusation
24 and the right to cross examine witnesses.

25 I further agree on behalf of CENTURY PLUS REALTORS
26 INC. that upon acceptance by the Commissioner, as evidenced by
27 an appropriate order, all affidavits and all relevant evidence

1 obtained by the Department in this matter prior to the
2 Commissioner's acceptance, and all allegations contained in the
3 Accusation filed in the Department Case No. H-36167 LA, may be
4 considered by the Department to be true and correct for the
5 purpose of deciding whether or not to grant reinstatement of
6 CENTURY PLUS REALTORS INC.'s license pursuant to Government Code
7 Section 11522.

8 This Declaration is not an admission by CENTURY PLUS
9 REALTORS INC. as to the allegations in the Accusation. This
10 Declaration is made for the purpose of reaching a resolution of
11 allegations contained in the DRE Case number H-36167 LA, and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Department of Real Estate is a party and shall
14 not otherwise be admissible or relied upon by any third parties
15 for any purpose.

16
17 I further agree on behalf of CENTURY PLUS REALTORS
18 INC. to pay the Commissioner's reasonable cost for the audit
19 which led to this action. In calculating the amount of the
20 Commissioner's reasonable cost, the Commissioner may use the
21 estimated average hourly salary for all persons performing
22 audits of real estate brokers, and shall include an allocation
23 for travel time to and from the auditor's place of work. CENTURY
24 PLUS REALTORS INC. will pay such cost within 60 days of
25 receiving an invoice from the Commissioner detailing the
26 activities performed during the audit and the amount of time
27 spent performing those activities.

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I am aware that if CENTURY PLUS REALTORS INC.
petitions for reinstatement in the future, that payment of the
audit costs will be a condition of reinstatement.

I declare under penalty of perjury under the laws of
the State of California that the above is true and correct and
that I am acting freely and voluntarily on behalf of CENTURY
PLUS REALTORS INC. to surrender their licenses and all license
rights attached thereto.

08/11/11, 2011
Date and Place
Los Angeles, CA

Carlos Castro
BY: CARLOS CASTRO
Designated Officer of
Century Plus Realtors Inc.

Santo

FILED

OCT 18 2011

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
CENTURY PLUS REALTORS INC.; and)	No. H-36167 LA
<u>CARLOS CASTRO</u> , individually and as)	
as designated officer of Century Plus)	
Realtors Inc.,)	
)	
Respondents.)	

In the Matter of the Accusation of)	
)	
DOWNEY LENDING CORPORATION;)	No. H-36168 LA
doing business as Downey Lending)	
Group, and <u>CARLOS CASTRO</u> ,)	
individually and as designated)	
officer of Downey Lending)	
Corporation,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 10, 2009, an Accusation was filed in this matter against Respondent CARLOS CASTRO re Century Plus Realtors Inc., and on August 11, 2009, an Accusation was filed re Downey Lending Corporation.

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On August 11, 2011, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

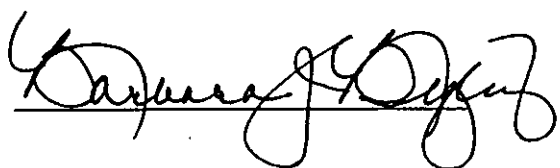
IT IS HEREBY ORDERED that Respondent CARLOS CASTRO's petition for voluntary surrender of his real estate broker license rights is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 11, 2011, (attached as Exhibit "A" hereto). Respondent's license certificate, pocket card and any branch office license certificate shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Atten: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on
November 7, 2011.

DATED: 9/26, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner



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"EXHIBIT A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
CENTURY PLUS REALTORS INC.; and)
CARLOS CASTRO, individually and as)
as designated officer of Century Plus)
Realtors Inc.,)
)
Respondents.)

No. H-36167 LA

In the Matter of the Accusation of)
)
DOWNEY LENDING CORPORATION;)
doing business as Downey Lending)
Group, and CARLOS CASTRO,)
individually and as designated)
officer of Downey Lending)
Corporation,)
)
Respondents.)

No. H-36168 LA

DECLARATION

My name is CARLOS CASTRO. and I am currently licensed
as a real estate broker and/or have license rights with respect
to said license. I am represented by Yolanda Franco, Esq.

1 In lieu of proceeding in this matter in accordance with
2 the provisions of the Administrative Procedure Act (Sections
3 11400 et seq., of the Government Code), I wish to voluntarily
4 surrender my real estate license(s) issued by the Department of
5 Real Estate ("Department"), pursuant to Business and Professions
6 Code Section 10100.2.

7 I understand that by so voluntarily surrendering my
8 license(s), I may be relicensed as a broker or as a salesperson
9 only by petitioning for reinstatement pursuant to Section 11522
10 of the Government Code. I also understand that by so voluntarily
11 surrendering my license(s), I agree to the following:

12 1. The filing of this Declaration shall be deemed as
13 my petition for voluntary surrender.

14 2. It shall also be deemed to be an understanding and
15 agreement by me that I waive all rights I have to require the
16 Commissioner to prove the allegations contained in the
17 Accusations filed in these matters at a hearing held in
18 accordance with the provisions of the Administrative Procedure
19 Act (Government Code Sections 11400 et seq.), and that I also
20 waive other rights afforded to me in connection with the hearing
21 such as the right to discovery, the right to present evidence in
22 defense of the allegations in the Accusation and the right to
23 cross-examine witnesses.

24 3. I further agree that upon acceptance by the
25 Commissioner, as evidenced by an appropriate order, all
26 affidavits and all relevant evidence obtained by the Department
27 in this matter prior to the Commissioner's acceptance, and all

1 allegations contained in the Accusations filed in the Department
2 Case Nos. H-36167 LA and H-36168 LA, may be considered by the
3 Department to be true and correct for the purpose of deciding
4 whether to grant relicensure or reinstatement pursuant to
5 Government Code Section 11522.

6 4. This Declaration is not an admission as to the
7 allegations in the Accusation. This Declaration is made for the
8 purpose of reaching a resolution of allegations contained in the
9 DRE Case Nos. H-36167 LA and H-36168 LA, and is expressly
10 limited to this proceeding and any other proceeding or case in
11 which the Department of Real Estate is a party and shall not
12 otherwise be admissible or relied upon by any third parties for
13 any purpose.

14 5. I further agree on behalf of CENTURY PLUS REALTORS
15 INC. and DOWNEY LENDING CORPORATION, to pay the Commissioner's
16 reasonable cost for the audits which led to this action. In
17 calculating the amount of the Commissioner's reasonable cost,
18 the Commissioner may use the estimated average hourly salary for
19 all persons performing audits of real estate brokers, and shall
20 include an allocation for travel time to and from the auditor's
21 place of work. I will pay such cost within 60 days of receiving
22 an invoice from the Commissioner detailing the activities
23 performed during the audit and the amount of time spent
24 performing those activities.


25
26 I am aware that if I, CENTURY PLUS REALTORS INC. or
27 DOWNEY LENDING CORPORATION petition for reinstatement in the

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future, that payment of the audit costs will be a condition of reinstatement.

I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on 08/11/11, 2011, at 08/11/11 Los Angeles, California.


CARLOS CASTRO.

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED

AUG 10 2009

DEPARTMENT OF REAL ESTATE
BY: *Dawley*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)

No. H- 36167 LA

12 CENTURY PLUS REALTORS INC.; and)
13 CARLOS CASTRO, individually and as)
14 designated officer of Century Plus)
15 Realtors Inc.,)

A C C U S A T I O N

Respondents,)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CENTURY PLUS REALTORS INC. and CARLOS CASTRO,
19 individually and as designated officer of Century Plus Realtors
20 Inc., alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, acting in her official
23 capacity as a Deputy Real Estate Commissioner of the State of
24 California, makes this Accusation against CENTURY PLUS REALTORS
25 INC. (CPRI) and CARLOS CASTRO (CASTRO).
26

27 ///

2.

1 All references to the "Code" are to the California
2 Business and Professions Code and all references to "Regulations"
3 are to Title 10, Chapter 6, California Code of Regulations.
4

5 License

6 3.

7 A. At all times mentioned, CPRI and CASTRO were
8 licensed or had license rights issued by the Department of Real
9 Estate (Department) as real estate brokers.

10 B. At all times material herein, on May 16, 2005, CPRI
11 was licensed by the Department as a corporate real estate broker
12 by and through CASTRO, pursuant to Code Sections 10211 and
13 10159.2 for supervising the activities requiring a real estate
14 license conducted on behalf CPRI.

15 C. At all times material herein, on June 28, 2004,
16 CASTRO was licensed by the Department as a real estate broker.
17 On May 17, 2005, CASTRO became the designated officer of CPRI.
18 On January 26, 2009, CASTRO cancelled his affiliation. CPRI
19 remains non-broker affiliated after January 26, 2009. CPRI's
20 corporate broker license expired on May 15, 2009.

21 Brokerage

22 4.

23 At all times mentioned, in the City of Downey, County
24 of Los Angeles, CPRI and CASTRO acted as real estate brokers and
25 conducted licensed activities within the meaning of:
26

27 A. Code Section 10131(a). CPRI operated a residential

1 resale brokerage engaging in activities with the public wherein
2 Respondents engaged in the business of the soliciting listings
3 and negotiating of the resale of real property as the agent of
4 others.

5 Residential Resale Audit

6 5.

7 On February 19, 2009, the Department completed an audit
8 examination of the books and records of CPRI pertaining to the
9 residential resale activities only described in Paragraph 4 that
10 require a real estate license. The audit examination covered a
11 period of time beginning on January 1, 2006 to December 31, 2008.
12 The audit examination revealed violations of the Code and the
13 Regulations as set forth in the following paragraphs, and more
14 fully discussed in Audit Report LA 080151 and the exhibits and
15 work papers attached to said audit report.

16 Trust Account

17 6.

18 No trust account was kept during the audit period.

19 Violations

20 7.

21 In the course of activities described in Paragraph 4,
22 above, and during the examination period described in Paragraph
23 5, Respondents CPRI and CASTRO, acted in violation of the Code
24 and the Regulations in that Respondents:

25 (a) (1) Failed to maintain an accurate and complete
26 control record for each beneficiary or transaction, thereby
27

1 failing to account for all trust funds received, deposited and
2 disbursed for the escrow trust account, in violation of Code
3 Section 10145 and Regulation 2831.

4 (a)(2) Failed to place earnest money deposits collected
5 from borrowers into a trust account in the name of the broker as
6 trustee at a bank or other financial institution, in violation of
7 Code Section 10145 of the Code and Regulation 2832(a).

8 (b) Misrepresented to sellers that CPRI held earnest money
9 deposit for the buyers set forth below, in violation of Code
10 Section 10176(a).

Buyers	Earnest Money Deposits
C. Vaca	\$2,000
E. Lopez	\$1,000
W. Monterroza	\$2,000
S. Flores	\$5,000
M. Vergara	\$3,000
M. Raul	\$10,000
	\$23,000 Total

19
20 (c) Used the fictitious name of "Century Plus
21 Realtors", to conduct licensed activities without first obtaining
22 from the Department a license bearing said fictitious business
23 name, in violation of Code Section 10159.5 and Regulation 2731.

24 (d) Failed to retain the salesperson license
25 certificate for Antonio Galarza and Edgar Olea at CPRI's main
26 office, in violation of Code Section 10160 and Regulation 2753.
27

1 (e) Failed to maintain a signed broker-salesperson
2 agreement with salespersons Antonio Galarza and Edgar Olea, in
3 violation of Section 2726 of the Regulations.

4 Discipline Statutes

5 8.

6 The conduct of Respondents CPRI and CASTRO described in
7 Paragraph 7, above, violated the Code and the Regulations as set
8 forth below:

9

10 PARAGRAPH	PROVISIONS VIOLATED
11 7(a)	Code Section 10145 and Regulation 2831 and 2832(a)
12	
13 7(b)	Code Section 10176(a)
14	
15 7(c)	Code Section 10159.5 and Regulation 2731
16	
17 7(d)	Code Section 10160 and Regulation 2753
18	
19 7(e)	Regulation 2726

20 The foregoing violations constitute cause for the suspension or
21 revocation of the real estate license and license rights of CPRI
22 and CASTRO, under the provisions of Code Sections 10177(d) and/or
23 10177(g).

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Negligence

9.

The overall conduct of Respondents CPRI and CASTRO constitutes negligence and is cause for the suspension or revocation of the real estate license and license rights of Respondents CPRI and CASTRO pursuant to Code Section 10177(g).

Supervision and Compliance

10.

The overall conduct of Respondent CASTRO constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of CPRI as required by Code Sections 10159.2 and 10211, and to keep CPRI in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of CASTRO pursuant to the provisions of Code Sections 10177(d), 10177(h) and/or 10177(g).

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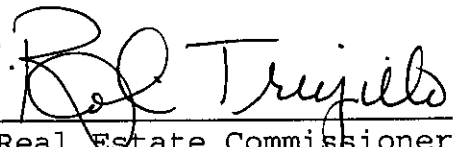
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 CENTURY PLUS REALTORS INC. and CARLOS CASTRO, individually and as
6 designated officer of CPRI Lending Corporation, under the Real
7 Estate Law (Part 1 of Division 4 of the Business and Professions
8 Code) and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 10 day of August 2009.

12 
13 Deputy Real Estate Commissioner

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22
23 cc: Downey Lending Corporation
24 c/o Carlos Castro D.O.
25 Robin Trujillo
26 Sacto
27 Summer Bakotich
Audits - Chona T. Soriano