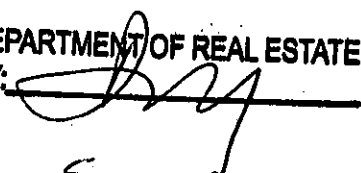


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FILED

MAR 12 2012

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

SUPERIOR REAL ESTATE SERVICES INC.)

No. H-36373 LA

and SAMUEL AGUIRRE, individually)

doing business as dba Central)

Financial & Realty and Best)

Mortgage & Realty, and as)

designated officer of Superior)

Real Estate Services Inc.,)

Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 17, 2011, a First Amended Accusation ("Accusation") was filed in this matter against Respondent SAMUEL AGUIRRE.

On November 30, 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.

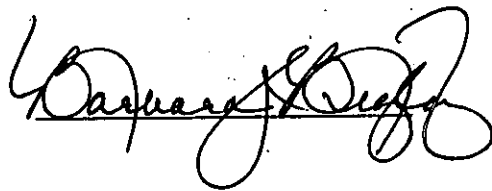
1 IT IS HEREBY ORDERED that Respondent SAMUEL AGUIRRE's petition for
2 voluntary surrender of his real estate broker license rights is accepted as of the effective date of
3 this Order as set forth below, based upon the understanding and agreement expressed in
4 Respondent's Declaration dated November 30, 2011, (attached as Exhibit "A" hereto).
5 Respondent's license certificate, pocket card and any branch office license certificate shall be
6 sent to the below listed address so that they reach the Department on or before the effective date
7 of this Order:
8

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

13 This Order shall become effective at 12 o'clock noon on
14 April 2, 2012.

15 DATED: 1/19/12
16

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)
)
SUPERIOR REAL ESTATE SERVICES INC.)
and SAMUEL AGUIRRE, individually)
doing business as dba Central)
Financial & Realty and Best)
Mortgage & Realty, and as)
designated officer of Superior)
Real Estate Services Inc.,)
)
Respondents.)

No. H-36373 LA

DECLARATION

My name is SAMUEL AGUIRRE and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

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

1 I understand that by so voluntarily surrendering my license rights, I may be
2 relicensed as a broker or as a salesperson after two (2) years by petitioning for reinstatement
3 pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily
4 surrendering my license(s), I agree to the following:

5 The filing of this Declaration shall be deemed as my petition for voluntary
6 surrender.

7 It shall also be deemed to be an understanding and agreement by me that I waive
8 all rights I have to require the Commissioner to prove the allegations contained in the First
9 Amended Accusation ("Accusation") filed in this matter on February 17, 2011, at a hearing held
10 in accordance with the provisions of the Administrative Procedure Act (Government Code
11 Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the
12 hearing such as the right to discovery, the right to present evidence in defense of the allegations
13 in the Accusation and the right to cross-examine witnesses.

14 I further agree that upon acceptance by the Commissioner, as evidenced by an
15 appropriate order, all affidavits and all relevant evidence obtained by the Department in this
16 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
17 filed in the Department Case No. H-36373 LA, with respect to me may be considered by the
18 Department to be true and correct for the purpose of deciding whether to grant relicensure or
19 reinstatement pursuant to Government Code Section 11522.

20 I further agree on behalf of SUPERIOR REAL ESTATE SERVICES INC. to
21 pay the Commissioner's reasonable cost for the audit which led to this action. In calculating the
22 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
23 average hourly salary for all persons performing audits of real estate brokers, and shall include
24 an allocation for travel time to and from the auditor's place of work. I will pay such cost within
25 60 days of receiving an invoice from the Commissioner detailing the activities performed
26 during the audit and the amount of time spent performing those activities. I am aware that if I
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1 petition for reinstatement in the future. that payment of the audit costs of (\$7,844.45) will be a
2 condition of reinstatement.

3 I am also aware that should I petition for reinstatement in the future, that
4 restoration of the \$21,889.03, shortage in the trust account as set forth in the Accusation will be
5 a condition of reinstatement.

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

8 I declare under penalty of perjury under the laws of the State of California that
9 the above is true and correct and that this declaration was executed on Nov 30th
10 2011, at EL Monte California.

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15 SAMUEL AGUIRRE

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FILED

MAR 12 2012

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

SUPERIOR REAL ESTATE SERVICES INC.)

and SAMUEL AGUIRRE, individually)

doing business as dba Central)

Financial & Realty and Best)

Mortgage & Realty, and as)

designated officer of Superior)

Real Estate Services Inc.,)

Respondents.)

No. H-36373 LA

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 17, 2011, a First Amended Accusation was filed in this matter
against Respondent SUPERIOR REAL ESTATE SERVICES INC.

On November 30, 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.

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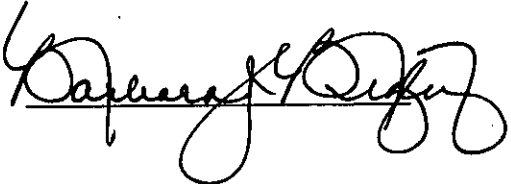
IT IS HEREBY ORDERED that SUPERIOR REAL ESTATE SERVICES
INC.'s petition for voluntary surrender of its real estate broker license and/or license rights is
accepted as of the effective date of this Order as set forth below, based upon the understanding
and agreement expressed in Respondent's Declaration dated November 30, 2011. 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
April 2, 2012.

DATED: 1/19, 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner



"EXHIBIT A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
SUPERIOR REAL ESTATE SERVICES INC.)
and SAMUEL AGUIRRE, individually)
doing business as dba Central)
Financial & Realty and Best)
Mortgage & Realty, and as)
designated officer of Superior)
Real Estate Services Inc.,)
)
Respondents.)

No. H-36373 LA

DECLARATION

My name is SAMUEL AGUIRRE and I am the designated officer of
SUPERIOR REAL ESTATE SERVICES 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 SUPERIOR REAL ESTATE SERVICES INC.

In lieu of proceeding in this matter in accordance with the provisions of the
Administrative Procedures Act (Sections 11400 et seq., of the Government Code) SUPERIOR
REAL ESTATE SERVICES INC. wishes to voluntarily surrender its real estate license issued

1 by the Department of Real Estate ("Department"), pursuant to Business and Professions Code
2 Section 10100.2.

3 I understand that SUPERIOR REAL ESTATE SERVICES INC., by so
4 voluntarily surrendering its license, can only have it reinstated in accordance with the
5 provisions of Section 11522 of the Government Code. I also understand that by so voluntarily
6 surrendering its license rights, SUPERIOR REAL ESTATE SERVICES INC. agrees to the
7 following:

8 The filing of this Declaration shall be deemed as SUPERIOR REAL ESTATE
9 SERVICES INC.'s petition for voluntary surrender. It shall also be deemed to be an
10 understanding and agreement by SUPERIOR REAL ESTATE SERVICES INC. that, it waives
11 all rights it has to require the Commissioner to prove the allegations contained in the First
12 Amended Accusation ("Accusation") filed on February 17, 2011, in this matter at a hearing
13 held in accordance with the provisions of the Administrative Procedures Act (Government
14 Code Sections 11400 et seq.), and that it also waives other rights afforded to it in connection
15 with the hearing such as the right to discovery, the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross examine witnesses.

17 I further agree on behalf of SUPERIOR REAL ESTATE SERVICES INC. that
18 upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and
19 all relevant evidence obtained by the Department in this matter prior to the Commissioner's
20 acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-
21 36373 LA, may be considered by the Department to be true and correct for the purpose of
22 deciding whether or not to grant reinstatement of SUPERIOR REAL ESTATE SERVICES
23 INC.'s license pursuant to Government Code Section 11522.

24 I further agree on behalf of SUPERIOR REAL ESTATE SERVICES INC. to
25 pay the Commissioner's reasonable cost for the audit which led to this action. In calculating the
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1 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
2 average hourly salary for all persons performing audits of real estate brokers, and shall include
3 an allocation for travel time to and from the auditor's place of work. SUPERIOR REAL
4 ESTATE SERVICES INC. will pay such cost within 60 days of receiving an invoice from the
5 Commissioner detailing the activities performed during the audit and the amount of time spent
6 performing those activities. I am aware that if SUPERIOR REAL ESTATE SERVICES INC.
7 petitions for reinstatement in the future, that payment of the audit costs of (\$7,844.45) will be a
8 condition of reinstatement.
9

10 I am also aware that should SUPERIOR REAL ESTATE SERVICES
11 INC. petition for reinstatement in the future, that restoration of the \$21,889.03, shortage in the
12 trust account as set forth in the Accusation will be a condition of reinstatement.

13 I declare under penalty of perjury under the laws of the State of California that
14 the above is true and correct and that I am acting freely and voluntarily on behalf of
15 SUPERIOR REAL ESTATE SERVICES INC. to surrender its licenses and all license rights
16 attached thereto.
17

18 *EL Monte, CA*
19 *Nov 30th*, 2011
Date and Place

20
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24 
25 BY: SAMUEL AGUIRRE
26 Designated Officer of
27 SUPERIOR REAL ESTATE SERVICES INC.

facto

FILED

FEB 17 2011

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of

SUPERIOR REAL ESTATE SERVICES INC.
and SAMUEL AGUIRRE, individually
doing business as dba Central
Financial & Realty and Best
Mortgage & Realty, and as
designated officer of Superior
Real Estate Services Inc.

Respondents.

No. H-36373 LA

FIRST AMENDED

ACCUSATION

The Accusation filed on December 3, 2009, is amended in its entirety as follows:

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SUPERIOR REAL ESTATE SERVICES INC. dba Central Financial & Realty and Best Mortgage & Realty, and SAMUEL AGUIRRE, individually dba Central Financial & Realty and Best Mortgage & Realty and as designated officer of Superior Real Estate Services Inc., alleges as follows:

1. 1

2 The Complainant, Robin Trujillo, acting in her official
3 capacity as a Deputy Real Estate Commissioner of the State of
4 California, makes this Accusation against SUPERIOR REAL ESTATE
5 SERVICES INC. (SRESI) and SAMUEL AGUIRRE (AGUIRRE).

2. 6

7 All references to the "Code" are to the California
8 Business and Professions Code and all references to "Regulations"
9 are to Title 10, Chapter 6, California Code of Regulations.

3. 10

11 A. At all times mentioned, SRESI and AGUIRRE were
12 licensed or had license rights issued by the Department of Real
13 Estate (Department) as real estate brokers.

14
15 B. At all times material herein, SRESI was licensed by
16 the Department as a corporate real estate broker by and through
17 AGUIRRE, until the cancellation of AGUIRRE's corporate license
18 for SRESI on February 9, 2009, pursuant to Code Sections 10211
19 and 10159.2 for supervising the activities requiring a real
20 estate license conducted on behalf of SRESI. With the
21 cancellation of AGUIRRE's designation officer license, SRESI is
22 non-broker affiliated.

23 C. Jose Modesto Torres (Torres), is a formerly licensed
24 person who was licensed as a restricted salesperson on June 18,
25 1997 and whose license expired on June 17, 2001. Torres was the
26 office and sales manager of SRESI and is the husband of SRESI's
27 president, Ana J. Torres.

1 D. AGUIRRE is the corporate Treasurer and the majority
2 shareholder of SRESI's stock owning fifty-one percent (51%)
3 therein. The remainder of SRESI's stock is owned twenty-five
4 percent (25%) by Ana J. Torres, unlicensed, wife of Jose Modesto
5 Torres, and SRESI's office secretary and SRESI's office manager.
6 The remainder of SRESI's stock ownership, twenty-four percent
7 (24%) is owned by Eduardo Torres, unlicensed, and brother of Jose
8 Modesto Torres.

9 Brokerage

10 4.

11 At all times mentioned, in the City of Irwindale and
12 Whittier, County of Los Angeles, SRESI and AGUIRRE acted as real
13 estate brokers and conducted licensed activities within the
14 meaning of:

15 A. Code Section 10131(a). Respondent AGUIRRE, in his
16 individual capacity, engaged in the business of, acted in the
17 capacity of, advertised or assumed to act as a real estate
18 broker, including the solicitation for listings of and the
19 negotiation of the sale of real property as the agent of others.

20 B. Code Section 10131(d). SRESI and AGUIRRE operated a
21 mortgage and loan brokerage, engaging in activities with the
22 public wherein lenders and borrowers were solicited for loans
23 secured directly or collaterally by liens on real property, and
24 wherein such loans were arranged, negotiated, processed and
25 consummated on behalf of others for compensation or in
26 expectation of compensation and for fees often collected in
27 advance as well as at the conclusion of transactions.

1 Respondents principally acted as "Hard Money Lenders", brokering
2 loans to borrowers from private investors and lenders.

3 FIRST CAUSE OF ACTION

4 SUPERIOR REAL ESTATE SERVICES INC.

5 Mortgage Loan Brokerage Audit

6 5.

7 On July 3, 2009, the Department completed an audit
8 examination of the books and records of SRESI pertaining to the
9 and mortgage loan activities described in Paragraph 4 that
10 require a real estate license. The audit examination covered a
11 period of time beginning on June 28, 2007 to February 9, 2009.
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 080272 and the exhibits and
15 work papers attached to said audit report.

16 Trust Account

17 6.

18 At all times mentioned, in connection with the
19 activities described in Paragraph 4, above, SRESI and AGUIRRE
20 accepted or received funds including funds in trust (hereinafter
21 "trust funds") from or on behalf of actual or prospective
22 parties, including private lenders and homeowners, to real estate
23 transactions handled by SRESI and thereafter made deposits and or
24 disbursements of such funds. From time to time herein mentioned
25 during the audit period, said trust funds were deposited and/or
26 maintained by SRESI in the bank account as follows:
27

"Superior Real Estate Services Inc.
Account No. XXXXXX5356"
Bank of America
San Francisco, California

(B/A #1)

Violations: Mortgage Loan Audit

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the audit examination period described in Paragraph 5, Respondents SRESI and AGUIRRE, acted in violation of the Code and the Regulations in that Respondents:

(a) Permitted, allowed or caused the disbursement of trust funds from B/A #1 where the disbursement of funds reduced the total of aggregate funds in B/A #1, to an amount which, on November 28, 2008, was \$21,889.03 less than the existing aggregate trust fund liability of SRESI to every principal who was an owner of said funds, without first obtaining the prior written consent of the owner-beneficiaries of said funds, in violation of Code Sections 10145, 10176(a) and 10176(i) and Regulation 2832.1. The shortage was caused by the unauthorized drawing down and overdrawing the balance of the Auturo Guzman mortgage loan funds and by using the drawn down funds to make mortgage payments on the Cecilia Valencia mortgage, and for other unauthorized purposes.

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1 (b) Hard Money Lending Scheme

2 (1) SRESI, AGUIRRE and Jose Modesto Torres (Torres),
3 SRESI's sales manager, a formerly licensed person whose license
4 expired on June 17, 2001, solicited funds from private investors
5 also known as hard money lenders for loans to borrowers secured
6 by real property. Arturo Guzman (Guzman) and Victor Salazar
7 (Salazar), friends of Torres, were such lenders. These lenders
8 made their loans via checks payable to SRESI, Torres and to cash.

9 (2) Guzman and Salazar made loans to borrowers Abraham
10 Vargas, Cecilia Valencia and Micaela Maldonado.

11 (3) On October 17, 2007, January 31, 2008, and February
12 6, 2008, Torres received trust funds from lender Guzman totaling
13 \$47,000. On February 8, 2008, Torres received trust funds from
14 lender Salazar totaling \$15,000.

15 (4) Torres invested \$25,000 of Guzman's \$47,000, in the
16 name of SRESI.

17 (5) Torres planned to use the lenders funds to pay the
18 debts of Guzman and Maldonado, make repairs on properties,
19 improve Guzman's and Maldonado's credit scores, refinance the
20 Vargas and Maldonado properties and take some funds to pay down
21 loans of Guzman and Salazar. However, Torres did not refinance
22 or was unable to refinance properties of Guzman and Maldonado
23 from which he represented to them that he would do.

24 (6) Torres did not disburse the total amount of
25 borrower proceeds from lenders Guzman and Salazar to Vargas and
26 Maldonado.

1 (7) On February 7, 2008, Torres diverted \$25,000 of the
2 loan from Guzman to Maldonado. Torres loan to himself was
3 secured by SRESI's property located at 2322 W. Channing St., West
4 Covina, California. The title to the property was obtained by
5 SRESI by a Grant Deed executed by Cecilia Ivette Valencia
6 (Valencia) on February 4, 2008. Valencia's Grant Deed to SRESI
7 was recorded on February 5, 2008 at the Recorder's Office, Los
8 Angeles County.

9 (8) SRESI used the \$25,000 proceeds from the Guzman
10 loan to make payments to Valencia's lender HSBC Mortgage (HSBC)
11 via wires from B/A #1. SRESI also made payments from B/A #1 to
12 Valencia. SRESI continued to make payments to HSBC and Valencia
13 exceeding the \$25,000.00 loan from Guzman. These continued
14 disbursements caused the SRESI balance to be overdrawn by
15 \$17,196.32.

16 (9) Torres, with the connivance of SRESI and AGUIRRE,
17 and from which Respondents benefited financially, sought but was
18 unable to refinance properties for Vargas and Maldonado. Torres
19 diverted lender funds to designated borrowers to himself. By
20 this diversion Torres attempted to secure a profit for himself.

21 (10) SRESI and AGUIRRE permitted Torres to act in a
22 licensed capacity in without holding a real estate license.

23 (11) SRESI and AGUIRRE improperly engaged themselves
24 and Torres in soliciting trust funds from lenders and invested
25 said funds for their benefit. In addition, SRESI allowed Torres,
26 an unlicensed person to handle trust funds from lenders without
27 supervisions by designated officer AGUIRRE, in violation of

1 Code Sections 10137, 10176(a), 10176(i) and/or 10177(g)

2 (c) Failed to establish and maintain a trust account at
3 a bank or other recognized financial institution in the name of
4 the broker for deposit of credit report fees received from the
5 escrow company on behalf of borrowers Margarita Jacobo, Maria
6 Isabel, Nolasco De Catalan, thereby depositing trust funds in
7 SRESI's general account and thereby commingling trust funds with
8 SRESI's operating funds, in violation of Code Sections 10145,
9 10176(e) and Regulation 2832.

10 (d) Failed to maintain a control record in the form of
11 a columnar record in chronological order of all trust funds
12 including credit report fees received from the escrow company on
13 behalf of borrowers Margarita Jacobo, Maria Isabel, Nolasco De
14 Catalan, in violation of Code Section 10145 and Regulation 2831.

15 (e) Failed to maintain a separate record for each
16 beneficiary or transaction, thereby failing to account for all
17 credit fees received from the escrow company on behalf of
18 borrowers Margarita Jacobo, Maria Isabel, Nolasco De Catalan, in
19 violation of Code Section 10145 and Regulation 2831.1.

20 (f) Permitted Ana Torres and Jose Modesto Torres,
21 unlicensed and unbonded persons, to be authorized signatories on
22 the trust account, in violation of Code Section 10145 and
23 Regulation 2834.

24 (g) Failed to perform a monthly reconciliation of the
25 balance of all separate beneficiary or transaction records
26 maintained pursuant to Regulation 2831.1 with the control record
27 of all trust funds received and disbursed by B/A #1, as required

1 by Regulation 2831, in violation of Code Section 10145 and
2 Regulation 2831.2.

3 (h)(1) Failed to provide and/or maintain an approved
4 Mortgage Loan Disclosure Statement containing all the information
5 required by Code Section 10241 including a failure (1) to
6 disclose the anticipated liens on the subject property, (2) of
7 the loan representative and broker to sign the Mortgage Loan
8 Disclosure Statement, and (3) to disclose yield spread premium
9 rebates by the institutional lenders outside of the closing of
10 escrow for borrowers Ramon Castro, Margarita Jacobo, Everardo
11 Ayvar, Abraham Vargas, SRESI, Cecilia Valencia and Micaela
12 Maldonado, in violation of Code Section 10240 and 2840; and,

13 (h)(2) Failed to provide or retain a true and correct
14 copy of a Good Faith Estimate that satisfies the requirements of
15 the Real Estate Settlement Procedures Act of 1974 (12 U.S.C.A
16 2601 et seq.), that (1) sets forth the broker's real estate
17 license number, (2) a clear and conspicuous statement on the face
18 of the document stating that the Good Faith Estimate does not
19 constitute a loan commitment; and, further sets forth all
20 applicable disclosures including but not limited to (3) yield
21 spread premium rebates by the lenders outside of the closing of
22 escrow for borrowers Maria Chavez, Donald Preciado and Rosie
23 Pelayo, in violation of Code Section 10240(c).

24 (i) Failed to display SRESI's corporation's license
25 number on the Mortgage Loan Disclosure Statements provided to
26 borrowers Ramon Castro, Jesus/Margarita Jacobo, in violation of
27 Code Section 10236.4.

1 (j) Failed to provide or deliver a statement in
2 writing, to wit, a Lender/Purchaser Disclosure Statement,
3 containing all the information required by Code Section 10232.5
4 to the hard money lenders Arturo Guzman and Victor Salazar,
5 before said lenders became obligated to make the loans before the
6 receipt by or on behalf of the broker of any funds provided by
7 these two hard money lenders for loans to borrowers Abraham
8 Vargas, Cecilia Valencia and Micaela Maldonado, in violation of
9 Code Section 10232.4 and Regulation 2846.

10 (k) Failed to submit to the Department the statement
11 required by Code Section 10231.2 for the loans made by private
12 investors including Arturo Guzman in which SRESI, as borrower,
13 used or benefited from funds accepted from funds that were
14 accepted from private investor Arturo Guzman and deposited into
15 B/A #1 in which SRESI itself acted as the borrower, in violation
16 of Code Section 10231.2(a). On or around February 7, 2008,
17 Torres solicited a \$25,000 loan from lender Arturo Guzman. The
18 \$25,000 loan amount was borrowed against SRESI's property located
19 at 2322 W. Channing St., West Covina, CA 91790. The title to the
20 W. Channing St. property was obtained by SRESI from a Grant Deed
21 executed by Cecilia Valencia on February 4, 2008. SRESI failed
22 to submit a true copy of the Lender/Purchaser Disclosure
23 Statement and a statement that the submittal is being made to the
24 Department pursuant to Section 10231.1.

25 (l) Employed or compensated Jose Modesto Torres, who
26 was not licensed by the Department as a real estate broker or as
27 a real estate salesperson employed by a real estate broker as

1 Torres was a former licensee as noted in Paragraph 7(b), above,
2 for performing acts for which a real estate license is required,
3 including soliciting and negotiation mortgage loan from investors
4 Arturo Guzman and Victor Salazar for borrowers Abraham Vargas,
5 Cecilia Valencia and Micaela Maldonado, in violation of Code
6 Section 10137.

7 (m) SRESI employed the services of Torres, a formerly
8 licensed person, to negotiate in the name of and on behalf of
9 SRESI, three loans from lenders Arturo Guzman and Victor Salazar.
10 On one of the three loans solicited, SRESI was the borrower. The
11 SRESI loan was secured by a property owned by SRESI. The funds
12 due to lenders/borrowers on the other two (2) loans were not
13 delivered to the beneficiaries because those funds were used for
14 payments for the property owned by SRESI, constituting
15 misrepresentation and conversion, in violation of Code Sections
16 10176(a), 10176(i) and/or 10177(g).

17 (n) Used the fictitious name of "Superior R.E.S.,
18 Inc.", to conduct, without first obtaining from the Department a
19 license bearing said fictitious business name, in violation of
20 Code Section 10159.5 and Regulation 2731.

21 (o) AGUIRRE failed to exercise adequate supervision
22 over SRESI's activities requiring a real estate license to ensure
23 compliance the Real Estate Laws and Regulations and had no system
24 in place for regularly monitoring SRESI's compliance with the
25 Real Estate Law, in violation of Code Sections 10159.2 and
26 10177(h) and Regulation 2725; and
27

(p) After notice and subpoena on June 19, 2009, failed to retain all records of SRESI's activity during the audit period requiring a real estate broker license, in violation of Code Section 10148.

Disciplinary Statutes: Mortgage Loan Audit

8.

The conduct of Respondents SRESI and AGUIRRE described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10145, 10176(a) and 10176(i) and Regulation 2832.1
7(b)	Code Sections 10137, 10176(a), 10176(i) and or 10177(g)
7(c)	Code Sections 10145 and 10176(e) and Regulation 2832
7(d)	Code Section 10145 and Regulation 2831
7(e)	Code Section 10145 and Regulation 2831.1
7(f)	Code Section 10145 and 2834

1	7(g)	Code Section 10145 and Regulation 2831.2
2		
3	7(h)	Code Section 10240 and Regulation 2840
4		
5	7(i)	Code Section 10236.4
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7	7(j)	Code Section 10232.4 and Regulation 2846
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9	7(k)	Code Section 10231.2(a) and Regulation 2846
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11	7(l)	Code Section 10137
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13	7(m)	Code Section 10176(a), 10176(i) and/or 10177(g)
14		
15	7(n)	Code Section 10159.5 and Regulation 2731
16		
17	7(o)	Code Sections 10159.2 and 10177(h) and Regulation 2731
18		(AGUIRRE)
19	7(p)	Code Section 10148
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21

22 The foregoing violations constitutes cause for discipline of the

23 real estate license and license rights of SRESI and AGUIRRE, as

24 aforesaid, under the provisions of Code Sections 10176(a),

25 10176(e), 10176(i), 10177(d) and/or 10177(g) and 10177(h) as to

26 AGUIRRE.

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SECOND CAUSE OF ACTION

SAMUEL AGUIRRE dba

Central Financial & Realty and Best Mortgage & Realty

Residential Resale Audit

9.

On July 1, 2009, the Department completed an audit examination of the books and records of AGUIRRE pertaining to the and residential resale activities described in Paragraph 4 that require a real estate license. The audit examination covered a period of time beginning on May 1, 2006 to April 30, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 080273 and the exhibits and work papers attached to said audit report.

Trust Account

10.

No trust account was kept during the audit period.

Violations: Residential Resale Audit

11.

In the course of activities described in Paragraphs 4, above, and during the audit examination period described in Paragraph 9, Respondent AGUIRRE, in his individual capacity, acted in violation of the Code and the Regulations in that
Respondent:

1 (a) Failed to place trust funds, including earnest
2 money deposits, accepted on behalf of another into the hands of
3 the owner of the funds, a neutral escrow depository or into a
4 trust fund account in the name of the trustee at a bank or other
5 financial institution not later than three business days
6 following receipt of the funds by the broker or by the broker's
7 salesperson, in violation of Code Section 10145 and Regulation
8 2832(d) for buyers Claudia Guerrero, Javier Gomez Hernandez, and
9 Rogelio Landa.

10 (b) Failed to maintain a control record in the form of
11 a columnar record in chronological order of all trust funds
12 received, deposited and disbursed, in violation of Code Section
13 10145 and Regulation 2831.

14 (c) Misrepresented that he held earnest money deposits
15 from buyers Claudia Guerrero, Javier Gomez Hernandez, Alberto
16 Alonzo, Rogelio Landa, Myron Flores Rosa Lezana and Andrea Lobos,
17 in violation of Code Section 10176(a).

18 (d) Used the fictitious name of "Central Financial
19 Realty", to conduct, without first obtaining from the Department
20 a license bearing said fictitious business name, in violation of
21 Code Section 10159.5 and Regulation 2731.

22 (e) Failed to exercise adequate supervision over his
23 employee's activities requiring a real estate license to ensure
24 compliance the Real Estate Laws and Regulations and had no system
25 in place for regularly monitoring his compliance with the Real
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1 Estate Law, in violation of Code Section 10177(h) and/or 10177(g)
2 and Regulation 2725.

3 Disciplinary Statutes: Residential Resale Audit

4 12.

5 The conduct of Respondent AGUIRRE described in
6 Paragraph 11, above, violated the Code and the Regulations as set
7 forth below:

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10 PARAGRAPH	PROVISIONS VIOLATED
11 11(a)	Code Sections 10145 and Regulation 2832
12	
13 11(b)	Code Section 10145 and Regulation 2831
14	
15 11(c)	Code Section 10176(a)
16	
17 11(d)	Code Section 10159.5 and Regulation 2731
18	
19 11(e)	Code Sections 10177(h) and/or 10177(g) and
20	Regulation 2725

21 The foregoing violations constitute cause for discipline of the
22 real estate license and license rights of SRESI and AGUIRRE, as
23 aforesaid, under the provisions of Code Sections 10176(a),
24 10177(d) and/or 10177(g) and/or 10177(h).

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THIRD CAUSE OF ACTION

SAMUEL AGUIRRE

Negligence

13.

The overall conduct of Respondent AGUIRRE constitutes negligence or incompetence. This conduct and violation are cause for discipline of the real estate license and license rights of Respondent AGUIRRE pursuant to Code Section 10177(g).

FOURTH CAUSE OF ACTION

SAMUEL AGUIRRE

Breach of Fiduciary Duty

14.

The overall conduct of Respondent AGUIRRE constitutes breach of fiduciary. This conduct and violation are cause for discipline of the real estate license and license rights of Respondent AGUIRRE pursuant to Code Sections 10176(i) and/or 10177(g).

FIFTH CAUSE OF ACTION

SAMUEL AGUIRRE

Lack of Supervision

15.

The overall conduct of Respondent AGUIRRE 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 SRESI as required by

1 Code Section 10159.2, and to keep SRESI in compliance with the
2 Real Estate Law.

3 In particular AGUIRRE failed to supervise his sales and
4 office manager, Jose Modest Torres (Torres) and his wife, Ana J.
5 Torres, SRESI's office manager, former and never licensed persons
6 respectively, from conducting real estate transaction including
7 soliciting hard-money loans for the Investor/Lenders named below
8 in the table. The Complaints allege that Torres, an expired
9 salesperson and the sales and office manager of SRESI, solicited
10 the Complainants to provide him funds to make hard money loans to
11 borrowers. Torres then converted the monies solicited his own,
12 and that of his wife, Ana J. Torres, purposes.

13 The conduct, acts and omissions of AGUIRRE constitutes
14 a lack of supervision and is cause for discipline of the real
15 estate license and license rights of AGUIRRE pursuant to the
16 provisions of Code Sections 10177(h), 10177(d) and/or 10177(g).

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Table: Unlicensed Activity by Jose and Ana Torres

Investor/Lenders	Transaction
Victor Ayon	Hard Money Loan
Martin Perez	Hard Money Loan
Jose Aguirre	Hard Money Loan
Victoriano Lopez	Hard Money Loan
Victor Salazar/ Arturo Guzman	Hard Money Loan

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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 SUPERIOR REAL ESTATE SERVICES INC. and SAMUEL AGUIRRE, under the
6 Real Estate Law (Part 1 of Division 4 of the Business and
7 Professions Code) and for such other and further relief as may be
8 proper under other applicable provisions of law including audit
9 costs and restitution.

10 Dated at Los Angeles, California

11 this 16 day of February 2011 
12 Deputy Real Estate Commissioner

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24 cc: Superior Real Estate Services Inc.
25 c/o Samuel Aguirre D.O.
26 Robin Trujillo
27 Sacto
Audits - Isabel Beltran

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

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

FILED

DEC 3 2009

DEPARTMENT OF REAL ESTATE
BY: *Agredy*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of

No. H- 36373 LA

SUPERIOR REAL ESTATE SERVICES INC.
and SAMUEL AGUIRRE, individually
doing business as dba Central
Financial & Realty and Best
Mortgage & Realty, and as
designated officer of Superior
Real Estate Services Inc.

A C C U S A T I O N

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against SUPERIOR REAL ESTATE SERVICES INC. dba Central Financial
& Realty and Best Mortgage & Realty, and SAMUEL AGUIRRE,
individually dba Central Financial & Realty and Best Mortgage &
Realty and as designated officer of Superior Real Estate Services
Inc., alleges as follows:

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1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against SUPERIOR REAL ESTATE SERVICES INC. (SRESI) and SAMUEL AGUIRRE (AGUIRRE).

2.

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

3.

a. At all times mentioned, SRESI and AGUIRRE were licensed or had license rights issued by the Department of Real Estate (Department) as real estate brokers.

b. At all times material herein, SRESI was licensed by the Department as a corporate real estate broker by and through AGUIRRE, until the cancellation of AGUIRRE's corporate license for SRESI on February 9, 2009, pursuant to Code Sections 10211 and 10159.2 for supervising the activities requiring a real estate license conducted on behalf of SRESI. With the cancellation of AGUIRRE's designation officer license, SRESI is non-broker affiliated.

c. AGUIRRE is the corporate Treasurer and the majority shareholder of SRESI's stock.

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Brokerage

4.

At all times mentioned, in the City of Irwindale and Whittier, County of Los Angeles, SRESI and AGUIRRE acted as real estate brokers and conducted licensed activities within the meaning of:

a. Code Section 10131(a). Respondent AGUIRRE, in his individual capacity, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, including the solicitation for listings of and the negotiation of the sale of real property as the agent of others.

b. Code Section 10131(d). SRESI and AGUIRRE operated a mortgage and loan brokerage, engaging in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, and wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of transactions. Respondents principally acted as "Hard Money Lenders", brokering loans to borrowers from private investors and lenders.

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2 FIRST CAUSE OF ACTION

3 SUPERIOR REAL ESTATE SERVICES INC.

4 Mortgage Loan Brokerage Audit

5 5.

6 On July 3, 2009, the Department completed an audit
7 examination of the books and records of SRESI pertaining to the
8 and mortgage loan activities described in Paragraph 4 that
9 require a real estate license. The audit examination covered a
10 period of time beginning on June 28, 2007 to February 9, 2009.
11 The audit examination revealed violations of the Code and the
12 Regulations as set forth in the following paragraphs, and more
13 fully discussed in Audit Report LA 080272 and the exhibits and
14 work papers attached to said audit report.

15 Trust Account

16 6.

17 At all times mentioned, in connection with the
18 activities described in Paragraph 4, above, SRESI and AGUIRRE
19 accepted or received funds including funds in trust (hereinafter
20 "trust funds") from or on behalf of actual or prospective
21 parties, including private lenders and homeowners, to real estate
22 transactions handled by SRESI and thereafter made deposits and or
23 disbursements of such funds. From time to time herein mentioned
24 during the audit period, said trust funds were deposited and/or
25 maintained by SRESI in the bank account as follows:
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1 "Superior Real Estate Services Inc.
2 Account No. 0038545356"
3 Bank of America
4 San Francisco, California

(B/A #1)

5 Violations: Mortgage Loan Audit

6 7.

7 In the course of activities described in Paragraphs 4
8 and 6, above, and during the audit examination period described
9 in Paragraph 5, Respondents SRESI and AGUIRRE, acted in violation
10 of the Code and the Regulations in that Respondents:

11 (a) Permitted, allowed or caused the disbursement of
12 trust funds from B/A #1 where the disbursement of funds reduced
13 the total of aggregate funds in B/A #1, to an amount which, on
14 November 28, 2008, was \$21,889.03 less than the existing
15 aggregate trust fund liability of SRESI to every principal who
16 was an owner of said funds, without first obtaining the prior
17 written consent of the owner-beneficiaries of said funds, in
18 violation of Code Sections 10145, 10176(a) and 10176(i) and
19 Regulation 2832.1. The shortage was caused by the unauthorized
20 drawing down and overdrawing the balance of the Auturo Guzman
21 mortgage loan funds and by using the drawn down funds to make
22 mortgage payments on the Cecilia Valencia mortgage, and for other
23 unauthorized purposes.
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1 Jose Modesto Torres, a formerly licensed person who was licensed
2 as a restricted salesperson on June 18, 1997 and whose license
3 expired on June 17, 2001. Torres was the sales manager of SRESI
4 and is the husband of SRESI's president, Ana J. Torres.

5 (b) Hard Money Lending Scheme

6 (1) SRESI, AGUIRRE and Jose Modesto Torres (Torres),
7 SRESI's sales manager, a formerly licensed person whose license
8 expired on June 17, 2001, solicited funds from private investors
9 also known as hard money lenders for loans to borrowers secured
10 by real property. Arturo Guzman (Guzman) and Victor Salazar
11 (Salazar), friends of Torres, were such lenders. These lenders
12 made their loans via checks payable to SRESI, Torres and to cash.

13 (2) Guzman and Salazar made loans to borrowers Abraham
14 Vargas, Cecilia Valencia and Micaela Maldonado.

15 (3) On October 17, 2007, January 31, 2008, and February
16 6, 2008, Torres received trust funds from lender Guzman totaling
17 \$47,000. On February 8, 2008, Torres received trust funds from
18 lender Salazar totaling \$15,000.

19 (4) Torres invested \$25,000 of Guzman's \$47,000, in the
20 name of SRESI.

21 (5) Torres planned to use the lenders funds to pay the
22 debts of Guzman and Maldonado, make repairs on properties,
23 improve Guzman's and Maldonado's credit scores, refinance the
24 Vargas and Maldonado properties and take some funds to pay down
25 loans of Guzman and Salazar. However, Torres did not refinance
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1 or was unable to refinance properties of Guzman and Maldonado
2 from which he represented to them that he would do.

3 (6) Torres did not disburse the total amount of
4 borrower proceeds from lenders Guzman and Salazar to Vargas and
5 Maldonado.

6 (7) On February 7, 2008, Torres diverted \$25,000 of the
7 loan from Guzman to Maldonado. Torres loan to himself was
8 secured by SRESI's property located at 2322 W. Channing St., West
9 Covina, California. The title to the property was obtained by
10 SRESI by a Grant Deed executed by Cecilia Ivette Valencia
11 (Valencia) on February 4, 2008. Valencia's Grant Deed to SRESI
12 was recorded on February 5, 2008 at the Recorder's Office, Los
13 Angeles County.

14 (8) SRESI used the \$25,000 proceeds from the Guzman
15 loan to make payments to Valencia's lender HSBC Mortgage (HSBC)
16 via wires from B/A #1. SRESI also made payments from B/A #1 to
17 Valencia. SRESI continued to make payments to HSBC and Valencia
18 exceeding the \$25,000.00 loan from Guzman. These continued
19 disbursements caused the SRESI balance to be overdrawn by
20 \$17,196.32.
21

22 (9) Torres, with the connivance of SRESI and AGUIRRE,
23 and from which Respondents benefited financially, sought but was
24 unable to refinance properties for Vargas and Maldonado. Torres
25 diverted lender funds to designated borrowers to himself. By
26 this diversion Torres attempted to secure a profit for himself.
27

1 (10) SRESI and AGUIRRE permitted Torres to act in a
2 licensed capacity in without holding a real estate license.
3

4 (11) SRESI and AGUIRRE improperly engaged themselves
5 and Torres in soliciting trust funds from lenders and invested
6 said funds for their benefit. In addition, SRESI allowed Torres,
7 an unlicensed person to handle trust funds from lenders without
8 supervisions by designated officer AGUIRRE, in violation of
9 Code Sections 10137, 10176(a), 10176(i) and/or 10177(g)

10 (c) Failed to establish and maintain a trust account at
11 a bank or other recognized financial institution in the name of
12 the broker for deposit of credit report fees received from the
13 escrow company on behalf of borrowers Margarita Jacobo, Maria
14 Isabel, Nolasco De Catalan, thereby depositing trust funds in
15 SRESI's general account and thereby commingling trust funds with
16 SRESI's operating funds, in violation of Code Sections 10145,
17 10176(e) and Regulation 2832.
18

19 (d) Failed to maintain a control record in the form of
20 a columnar record in chronological order of all trust funds
21 including credit report fees received from the escrow company on
22 behalf of borrowers Margarita Jacobo, Maria Isabel, Nolasco De
23 Catalan, in violation of Code Section 10145 and Regulation 2831.

24 (e) Failed to maintain a separate record for each
25 beneficiary or transaction, thereby failing to account for all
26 credit fees received from the escrow company on behalf of
27

1 borrowers Margarita Jacobo, Maria Isabel, Nolasco De Catalan, in
2 violation of Code Section 10145 and Regulation 2831.1.

3 (f) Permitted Ana Torres and Jose Modesto Torres,
4 unlicensed and unbonded persons, to be authorized signatories on
5 the trust account, in violation of Code Section 10145 and
6 Regulation 2834.

7 (g) Failed to perform a monthly reconciliation of the
8 balance of all separate beneficiary or transaction records
9 maintained pursuant to Regulation 2831.1 with the control record
10 of all trust funds received and disbursed by B/A #1, as required
11 by Regulation 2831, in violation of Code Section 10145 and
12 Regulation 2831.2.

13 (h) (1) Failed to provide and/or maintain an approved
14 Mortgage Loan Disclosure Statement containing all the information
15 required by Code Section 10241 including a failure (1) to
16 disclose the anticipated liens on the subject property, (2) of
17 the loan representative and broker to sign the Mortgage Loan
18 Disclosure Statement, and (3) to disclose yield spread premium
19 rebates by the institutional lenders outside of the closing of
20 escrow for borrowers Ramon Castro, Margarita Jacobo, Everardo
21 Ayvar, Abraham Vargas, SRESI, Cecilia Valencia and Micaela
22 Maldonado, in violation of Code Section 10240 and 2840; and,

23 (h) (2) Failed to provide or retain a true and correct
24 copy of a Good Faith Estimate that satisfies the requirements of
25 the Real Estate Settlement Procedures Act of 1974 (12 U.S.C.A
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1 2601 et seq.), that (1) sets forth the broker's real estate
2 license number, (2) a clear and conspicuous statement on the face
3 of the document stating that the Good Faith Estimate does not
4 constitute a loan commitment; and, further sets forth all
5 applicable disclosures including but not limited to (3) yield
6 spread premium rebates by the lenders outside of the closing of
7 escrow for borrowers Maria Chavez, Donald Preciado and Rosie
8 Pelayo, in violation of Code Section 10240(c).

9 (i) Failed to display SRESI's corporation's license
10 number on the Mortgage Loan Disclosure Statements provided to
11 borrowers Ramon Castro, Jesus/Margarita Jacobo, in violation of
12 Code Section 10236.4.

13 (j) Failed to provide or deliver a statement in
14 writing, to wit, a Lender/Purchaser Disclosure Statement,
15 containing all the information required by Code Section 10232.5
16 to the hard money lenders Arturo Guzman and Victor Salazar,
17 before said lenders became obligated to make the loans before the
18 receipt by or on behalf of the broker of any funds provided by
19 these two hard money lenders for loans to borrowers Abraham
20 Vargas, Cecilia Valencia and Micaela Maldonado, in violation of
21 Code Section 10232.4 and Regulation 2846.

22 (k) Failed to submit to the Department the statement
23 required by Code Section 10231.2 for the loans made by private
24 investors including Arturo Guzman in which SRESI, as borrower,
25 used or benefited from funds accepted from funds that were
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1 accepted from private investor Arturo Guzman and deposited into
2 B/A #1 in which SRESI itself acted as the borrower, in violation
3 of Code Section 10231.2(a). On or around February 7, 2008,
4 Torres solicited a \$25,000 loan from lender Arturo Guzman. The
5 \$25,000 loan amount was borrowed against SRESI's property located
6 at 2322 W. Channing St., West Covina, CA 91790. The title to the
7 W. Channing St. property was obtained by SRESI from a Grant Deed
8 executed by Cecilia Valencia on February 4, 2008. SRESI failed
9 to submit a true copy of the Lender/Purchaser Disclosure
10 Statement and a statement that the submittal is being made to the
11 Department pursuant to Section 10231.1.

12 (1) Employed or compensated Jose Modesto Torres, who
13 was not licensed by the Department as a real estate broker or as
14 a real estate salesperson employed by a real estate broker as
15 Torres was a former licensee as noted in Paragraph 7(b), above,
16 for performing acts for which a real estate license is required,
17 including soliciting and negotiation mortgage loan from investors
18 Arturo Guzman and Victor Salazar for borrowers Abraham Vargas,
19 Cecilia Valencia and Micaela Maldonado, in violation of Code
20 Section 10137.

22 (m) SRESI employed the services of Torres, a formerly
23 licensed person, to negotiate in the name of and on behalf of
24 SRESI, three loans from lenders Arturo Guzman and Victor Salazar.
25 On one of the three loans solicited, SRESI was the borrower. The
26 SRESI loan was secured by a property owned by SRESI. The funds
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1 due to lenders/borrowers on the other two (2) loans were not
2 delivered to the beneficiaries because those funds were used for
3 payments for the property owned by SRESI, constituting
4 misrepresentation and conversion, in violation of Code Sections
5 10176(a), 10176(i) and/or 10177(g).

6 (n) Used the fictitious name of "Superior R.E.S.,
7 Inc.", to conduct, without first obtaining from the Department a
8 license bearing said fictitious business name, in violation of
9 Code Section 10159.5 and Regulation 2731.

10 (o) AGUIRRE failed to exercise adequate supervision
11 over SRESI's activities requiring a real estate license to ensure
12 compliance the Real Estate Laws and Regulations and had no system
13 in place for regularly monitoring SRESI's compliance with the
14 Real Estate Law, in violation of Code Sections 10159.2 and
15 10177(h) and Regulation 2725; and

16 (p) After notice and subpoena on June 19, 2009, failed
17 to retain all records of SRESI's activity during the audit period
18 requiring a real estate broker license, in violation of Code
19 Section 10148.
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Disciplinary Statutes: Mortgage Loan Audit

8.

The conduct of Respondents SRESI and AGUIRRE described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10145, 10176(a) and 10176(i) and Regulation 2832.1
7(b)	Code Sections 10137, 10176(a), 10176(i) and or 10177(g)
7(c)	Code Sections 10145 and 10176(e) and Regulation 2832
7(d)	Code Section 10145 and Regulation 2831
7(e)	Code Section 10145 and Regulation 2831.1
7(f)	Code Section 10145 and 2834
7(g)	Code Section 10145 and Regulation 2831.2
7(h)	Code Section 10240 and Regulation 2840
7(i)	Code Section 10236.4

1	7(j)	Code Section 10232.4 and Regulation 2846
2	7(k)	Code Section 10231.2(a) and Regulation 2846
3		
4	7(l)	Code Section 10137
5		
6	7(m)	Code Section 10176(a), 10176(i) and/or 10177(g)
7		
8	7(n)	Code Section 10159.5 and Regulation 2731
9		
10	7(o)	Code Sections 10159.2 and 10177(h) and Regulation 2731
11		(AGUIRRE)
12	7(p)	Code Section 10148
13		
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16 The foregoing violations constitutes cause for discipline of the
17 real estate license and license rights of SRESI and AGUIRRE, as
18 aforesaid, under the provisions of Code Sections 10176(a),
19 10176(e), 10176(i), 10177(d) and/or 10177(g) and 10177(h) as to
20 AGUIRRE.

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1 (a) Failed to place trust funds, including earnest
2 money deposits, accepted on behalf of another into the hands of
3 the owner of the funds, a neutral escrow depository or into a
4 trust fund account in the name of the trustee at a bank or other
5 financial institution not later than three business days
6 following receipt of the funds by the broker or by the broker's
7 salesperson, in violation of Code Section 10145 and Regulation
8 2832(d) for buyers Claudia Guerrero, Javier Gomez Hernandez, and
9 Rogelio Landa.

10 (b) Failed to maintain a control record in the form of
11 a columnar record in chronological order of all trust funds
12 received, deposited and disbursed, in violation of Code Section
13 10145 and Regulation 2831.

14 (c) Misrepresented that he held earnest money deposits
15 from buyers Claudia Guerrero, Javier Gomez Hernandez, Alberto
16

17 Alonzo, Rogelio Landa, Myron Flores Rosa Lezana and Andrea Lobos,
18 in violation of Code Section 10176(a).

19 (d) Used the fictitious name of "Central Financial
20 Realty", to conduct, without first obtaining from the Department
21 a license bearing said fictitious business name, in violation of
22 Code Section 10159.5 and Regulation 2731.

23 (e) Failed to exercise adequate supervision over his
24 employee's activities requiring a real estate license to ensure
25 compliance the Real Estate Laws and Regulations and had no system
26 in place for regularly monitoring his compliance with the Real
27

1 Estate Law, in violation of Code Section 10177(h) and/or 10177(g)
2 and Regulation 2725.

3 Disciplinary Statutes: Residential Resale Audit

4 12.

5 The conduct of Respondent AGUIRRE described in
6 Paragraph 11, above, violated the Code and the Regulations as set
7 forth below:

8

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10 PARAGRAPH	PROVISIONS VIOLATED
11 11(a)	Code Sections 10145 and Regulation 2832
12	
13 11(b)	Code Section 10145 and Regulation 2831
14	
15 11(c)	Code Section 10176(a)
16	
17 11(d)	Code Section 10159.5 and Regulation 2731
18	
19 11(e)	Code Sections 10177(h) and/or 10177(g) and
20	Regulation 2725

21 The foregoing violations constitute cause for discipline of the
22 real estate license and license rights of SRESI and AGUIRRE, as
23 aforesaid, under the provisions of Code Sections 10176(a),
24 10177(d) and/or 10177(g) and/or 10177(h).

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Negligence

13.

The overall conduct of Respondent AGUIRRE constitutes negligence or incompetence. This conduct and violation are cause for discipline of the real estate license and license rights of Respondent AGUIRRE pursuant to Code Section 10177(g).

Breach of Fiduciary Duty

14.

The overall conduct of Respondent AGUIRRE constitutes breach of fiduciary. This conduct and violation are cause for discipline of the real estate license and license rights of Respondent AGUIRRE pursuant to Code Sections 10176(i) and/or 10177(g).

Supervision

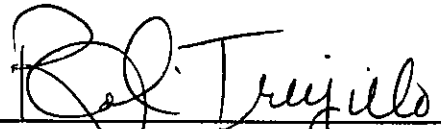
15.

The overall conduct of Respondent AGUIRRE 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 SRESI as required by Code Section 10159.2, and to keep SRESI in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of AGUIRRE pursuant to the provisions of Code Sections 10177(h), 10177(d) and/or 10177(g).

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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 SUPERIOR REAL ESTATE SERVICES INC. and SAMUEL AGUIRRE, under the
6 Real Estate Law (Part 1 of Division 4 of the Business and
7 Professions Code) and for such other and further relief as may be
8 proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 12 day of November 2009 
11 Deputy Real Estate Commissioner

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23 cc: Superior Real Estate Services Inc.
24 c/o Samuel Aguirre D.O.
25 Robin Trujillo
26 Enforcement - Amelia Vetrone
27 Sacto
Audits - Isabel Beltran