

FILED

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FEB 21 2012

DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	No. H-37897 LA
12	ARACELI RAMIREZ, dba Zerimar)	<u>A C C U S A T I O N</u>
13	Realty and formerly dba The)	
14	American Relief,)	
15	Respondent.)	

16 The Complainant, Maria Suárez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ARACELI RAMIREZ, dba Zerimar Realty and formerly dba The
19 American Relief, alleges as follows:

20 1.

21 The Complainant, Maria Suarez, acting in her official
22 capacity as a Deputy Real Estate Commissioner of the State of
23 California, makes this Accusation against ARACELI RAMIREZ.

24 2.

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

LICENSE HISTORY

3.

A. ARACELI RAMIREZ ("RAMIREZ") is presently licensed and/or has license rights with the Department of Real Estate ("Department") as real estate broker. RAMIREZ was first licensed by the Department as a broker on or about March 28, 2002.

BROKERAGE

ARACELI RAMIREZ

4.

At all times mentioned, in the City of Riverside, County of Riverside, RAMIREZ acted as a real estate broker conducting licensed activities within the meaning of Code Sections 10131(a) and 10131(d): selling or offering to sell real property and negotiating loans or performing services for borrowers in connection with loans secured by liens on real property.

AUDIT

ARACELI RAMIREZ

5.

On August 9, 2011, the Department completed audit examinations of the books and records of RAMIREZ pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examinations covered a period of time from January 1, 2009 to June 30, 2011. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Reports SD100084 and SD110005 and the exhibits and workpapers

1 attached to said audit reports.

2 VIOLATIONS OF THE REAL ESTATE LAW

3 6.

4 In the course of activities described in Paragraph 4
5 above and during the examination period described in Paragraph 5,
6 Respondent RAMIREZ acted in violation of the Code and the
7 Regulations in that:

8 (a) As of January 12, 2010, there was a shortage of
9 \$4,238.60 in one of Ramirez's bank accounts, due to a conversion
10 of trust funds without written consent of the owners of the trust
11 funds, in violation of Code Section 10145 and Regulation 2832.1.

12 (b) RAMIREZ did not maintain a control record for the
13 trust funds received and disbursed in connection with loan
14 modification activity, in violation of Code Section 10145 and
15 Regulation 2831.

16 (c) Ramirez did not maintain a separate record for
17 each beneficiary of the trust funds received and disbursed in
18 connection with loan modification activity, in violation of Code
19 Section 10145 and Regulation 2831.1.

20 (d) RAMIREZ did not maintain a monthly reconciliation
21 of all the separate records to a control record of the trust
22 funds received and disbursed for loan modification activity, in
23 violation of Code Section 10145 and Regulation 2831.2.

24 (e) The account used for trust funds received and
25 disbursed was not identified as a trust account on the bank
26 signature card, in violation of Code Section 10145 and Regulation
27 2832.

1 (f) An unlicensed employee without fidelity bond
2 coverage was a signer on the account used for trust funds. Also,
3 RAMIREZ was not a signer on the trust account that was used for
4 sales activity, in violation of Code Section 10145 and Regulation
5 2834.

6 (g) Advance fees collected from principals were
7 deposited into RAMIREZ's general business account, instead of a
8 trust account, in violation of Code Section 10146.

9 (h) Advance fees collected from principals were
10 commingled with RAMIREZ's funds in her general business account,
11 in violation of Code Sections 10145 and 10176(e).

12 (i) RAMIREZ entered into advance fee agreements prior
13 to submitting the advance fee agreement and all related materials
14 to the Department, in violation of Code Section 10085 and
15 Regulation 2970.

16 (j) RAMIREZ collected advance fees from principals
17 without maintaining and providing an accounting to the principals
18 showing the services rendered, identifying the trust account
19 where the trust funds were deposited, the amount of advance fees
20 collected and detailing how the funds were disbursed, in
21 violation of Regulation 2972.

22 (k) RAMIREZ did not exercise adequate supervision over
23 the activities of The American Relief to ensure compliance with
24 the Real Estate Law and Regulations, in violation of Code Section
25 10177(h) and Regulation 2725.

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27 ///

7.

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

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
6(a)	Code Section 10145 and Regulation 2832.1
6(b)	Code Section 10145 and Regulation 2831
6(c)	Code Section 10145 and Regulation 2831.1
6(d)	Code Section 10145 and Regulation 2831.2
6(e)	10145 and Regulation 2832
6(f)	Code Section 10145 and Regulation 2834
6(g)	Code Section 10146
6(h)	Code Sections 10145 and 10176(e)
6(i)	Code Section 10085 and Regulation 2970
6(j)	Regulation 2972
6(k)	Code Section 10177(h) and Regulation 2725

8.

Said conduct, acts, and/or omissions are cause for the suspension or revocation of the real estate license and license

1 rights of RAMIREZ, under the provisions of Code Sections
2 10176(e), 10177(h), 10177(d) and/or 10177(g).

3
4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and license rights of Respondent
8 ARACELI RAMIREZ under the Real Estate Law, that Complainant be
9 awarded its costs of investigation and prosecution of this case,
10 and for such other and further relief as may be proper under the
11 provisions of law.

12
13 Dated at Los Angeles, California

14
15 this 9th day of February, 2012.

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17 
18 Maria Suarez
19 Deputy Real Estate Commissioner

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23
24
25 cc: ARACELI RAMIREZ
26 Maria Suarez
27 Sacto
Audits