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FILED

MAR 14 2012

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-37969 LA
JENIFFER BERTHA HERNANDEZ,)	<u>A C C U S A T I O N</u>
doing business as Loma Alta)	
Mortgage and Sol Investments,)	
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JENIFFER BERTHA HERNANDEZ ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to

1 "Regulations" are to Title 10, Chapter 6, California Code of
2 Regulations.

3 3.

4 From July 19, 2005, through the present, Respondent
5 has been licensed by the Department of Real Estate
6 ("Department") as a real estate broker. At all times relevant
7 herein, Respondent was licensed to do business as Sol
8 Investments, Loma Alta Mortgage, and Loma Alta Realty.

9 4.

10 At all times mentioned, in the State of California,
11 Respondent engaged in the business of a real estate broker
12 conducting licensed activities within the meaning of:
13

14 A. Code Section 10131(a) operated a residential resale
15 brokerage.

16 B. Code Section 10131(d) operated a mortgage and loan
17 brokerage; and

18 C. In addition, conducted broker-controlled escrows
19 through its escrow division, under the exemption set forth in
20 California Financial Code Section 17006(a)(4) for real estate
21 brokers performing escrows incidental to a real estate
22 transaction where the broker was a party and where the broker
23 was performing acts for which a real estate license is required.

24 Audit LA 100168

25 5.

26 On July 1, 2001, the Department completed an audit
27 examination of the books and records of Respondent's real estate
28 activities described in Paragraph 4, which require a real estate

1 license. The audit examination covered a period of time from
2 June 1, 2008 to March 31, 2011. The audit examination revealed
3 violations of the Code and the Regulations as set forth in the
4 following paragraphs, and more fully discussed in Audit Report
5 LA 100168 and the exhibits and work papers attached to said
6 Audit Report.

7
8 6.

9 Violations

10 In the course of activities described in Paragraph 4,
11 above, and during the examination period described in
12 Paragraph 5, Respondent acted in violation of the Code and the
13 Regulations as follows:

14 (A) Failed to maintain an accurate or complete record
15 of trust funds received, deposited and disbursed, in connection
16 with the residential resale activity, in violation of Code
17 Section 10145 and Regulation 2831.

18 (B) Earnest money deposits received in two (2) of
19 seven (7) sales files examined, were not forwarded to escrow
20 within three (3) business days following the acceptance of the
21 offer, without written authorization from the principals, in
22 violation of Code Section 10145 and Regulation 2832.

23 (C) Respondent misrepresented to the seller in one
24 (1) out of seven (7) sales files examined, that earnest money
25 deposits were received from buyers at the time the purchase
26 agreement was drawn when in fact there were no checks received,
27 in violation of Code Section 10176(a).
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The conduct of Respondent described in Paragraph 6, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
6 (A)	Code Section 10145 and Regulation 2831
6 (B)	Code Section 10145 and Regulation 2832
6 (C)	Code Section 10176 (a)

8.

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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 all licenses and license rights of Respondent
5 JENIFFER BERTHA HERNANDEZ under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code), for the cost
7 of investigation and enforcement as permitted by law, and for
8 such other and further relief as may be proper under other
9 provisions of law.

10 Dated at Los Angeles, California

11 this 12th day of March, 2012.

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15 MARIA SUAREZ
16 Deputy Real Estate Commissioner
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25 cc: Jeniffer Bertha Hernandez
26 Maria Suarez
27 Sacto
28 Audits - Anna Hartoonian