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MAR 14 2012

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)

No. H-37970 LA

A C C U S A T I O N

MARES REALTY GROUP
and MARIA ELVIA MARES
individually and as
designated officer of
Mares Realty Group,

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of accusation
against MARES REALTY GROUP, and MARIA ELVIA MARES individually
and as designated officer of the corporation, alleges as follows:

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1 1. The Complainant, Robin Trujillo, acting in her
2 official capacity as a Deputy Real Estate Commissioner of the
3 State of California, makes this Accusation against MARES REALTY
4 GROUP, and MARIA ELVIA MARES.

5 2. MARES REALTY GROUP, and MARIA ELVIA MARES
6 (hereinafter referred to as "Respondents") are presently licensed
7 and/or have license rights under the Real Estate Law (Part 1 of
8 Division 4 of the Business and Professions Code, hereinafter
9 Code).

10 3. At all times herein mentioned, Respondent MARES
11 REALTY GROUP was licensed as a real estate broker with Respondent
12 MARIA ELVIA MARES as its designated officer.

13 4. At all times material herein, Respondents engaged
14 in the business of, acted in the capacity of, advertised or
15 assumed to act as a real estate broker in the State of California
16 within the meaning of Section 10131(a) and (d) of the Code,
17 including soliciting and negotiating the sale of real property
18 and soliciting and negotiating loans on real property.

19 5. On or about May 2, 2011, the Department completed
20 an examination of Respondent MARES REALTY GROUP's books and
21 records, pertaining to the activities described in Paragraph 4
22 above, covering a period from May 12, 2009, through March 31,
23 2011, which examination revealed violations of the Code and of
24 Title 10, Chapter 6, California Code of Regulations (hereinafter
25 Regulations) as set forth below.

1 6. The examination described in Paragraph 5, above,
2 determined that, in connection with the activities described in
3 Paragraph 4 above, Respondent accepted or received funds,
4 including funds in trust (hereinafter "trust funds") from or on
5 behalf of principals, and thereafter made deposit or disbursement
6 of such funds.

7 7. In the course of activities described in Paragraph
8 4 and during the examination period described in Paragraph 5,
9 Respondents MARES REALTY GROUP, and MARIA ELVIA MARES acted in
10 violation of the Code and the Regulations as follows, and as set
11 forth in Audit Report No. LA 100185 and related exhibits:

12 a. Violated Section 10146 of the Code by receiving
13 advance fees from Francisco Cambero and William John Lowe and
14 failed to deposit the funds into a real estate broker trust
15 account.

16 b. Violated Code Section 10176(i) by misappropriating
17 the funds received from Cambero and Lowe to their own personal
18 use and benefit without the knowledge or permission of Cambero
19 and Lowe.

20 c. Violated Code Section 10085 Regulation 2970 by not
21 submitting to the Department of Real Estate for its review and
22 approval all Advance Fee Agreements and Materials.

23 d. Violated Code Section 10146 and Regulation 2972 by
24 not providing the borrowers with the required itemized
25 accounting.

1 e. Violated Regulation Code Section 10148 by not
2 retaining copies of all books and records for the above
3 transactions.

4 f. Violated Section 10177(d) and Regulation 2742(c) by
5 being suspended by the California Franchise Tax Board on or about
6 October 1, 2009.

7 g. Violated Code Section 10162 and Regulation 2715 by
8 not at all times maintaining a main business address for the
9 transaction of business.

10 8. The conduct of Respondents MARES REALTY GROUP, and
11 MARIA ELVIA MARES, as alleged above, subjects their real estate
12 licenses and license rights to suspension or revocation pursuant
13 to Sections 10176(i), 10177(d) and/or 10177(g) of the Code.

14 9. The conduct of Respondent MARIA ELVIA MARES, as
15 alleged above, is in violation of Code Section 10159.2 and
16 Regulation 2725 and subjects her real estate licenses and license
17 rights to suspension or revocation pursuant to Sections 10177(d),
18 10177(g), and 10177(h) of the Code.

19 COST RECOVERY

20 Business and Professions Code Section 10106 provides,
21 in pertinent part, that in any order issued in resolution of a
22 disciplinary proceeding before the department, the commissioner
23 may request the administrative law judge to direct a licensee
24 found to have committed a violation of this part to pay a sum not
25 to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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 Respondents
5 MARES REALTY GROUP, and MARIA ELVIA MARES individually and as
6 designated officer of Mares Realty Group, under the Real Estate
7 Law (Part 1 of Division 4 of the Business and Professions Code),
8 for the cost of investigation and enforcement as permitted by
9 law, and for such other and further relief as may be proper under
10 other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 8 day of March, 2012.

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15 ROBIN TRUJILLO
16 Deputy Real Estate Commissioner
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25 cc: Mares Realty Group
26 Maria Elvia Mares
27 Robin Trujillo
Sacto.