

APR 06 2012

BY:

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

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A C C U S A T I O N

Respondents,

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1 1. The Complainant, Maria Suarez, acting in her
2 official capacity as a Deputy Real Estate Commissioner of the
3 State of California, makes this Accusation against VENTURE WEST
4 CAPITAL, INC., and ANTHONY ORLANDO SANCHEZ.

5 2. VENTURE WEST CAPITAL, INC., and ANTHONY ORLANDO
6 SANCHEZ individually and as designated officer of Venture West
7 Capital, Inc. (hereinafter referred to as "Respondents") are
8 presently licensed and/or have license rights under the Real
9 Estate Law (Part 1 of Division 4 of the Business and Professions
10 Code, hereinafter Code).

11 3. At all times herein mentioned, Respondents VENTURE
12 WEST CAPITAL, INC., and ANTHONY ORLANDO SANCHEZ were licensed as
13 a real estate broker. Respondent ANTHONY ORLANDO SANCHEZ was the
14 designated officer and pursuant to Code Section 10159.2 was
15 responsible for the supervision and control of the activities
16 conducted on behalf of the corporation by its officers and
17 employees as necessary to secure full compliance with the
18 provisions of the real estate law including supervision of
19 salespersons licensed to the corporation in the performance of
20 acts for which a real estate license is required.

21 4. At all times material herein, Respondents engaged
22 in the business of, acted in the capacity of, advertised or
23 assumed to act as a real estate broker in the State of California
24 within the meaning of Sections 10131(a) and (d) of the Code
25 including soliciting buyers and sellers, negotiating the sale of
26 real property, and negotiating loans on real property.

1 5. On or about May 24, 2011, the Department completed
2 an examination of Respondent VENTURE WEST CAPITAL, INC.'s books
3 and records, pertaining to the activities described in Paragraph
4 4 above, covering a period from December 1, 2007, through January
5 31, 2011, which examination revealed violations of the Code and
6 of Title 10, Chapter 6, California Code of Regulations
7 (hereinafter Regulations) as set forth below.

8 6. The examination described in Paragraph 5, above,
9 determined that, in connection with the activities described in
10 Paragraph 4 above, Respondent VENTURE WEST CAPITAL, INC. accepted
11 or received funds, including funds in trust (hereinafter "trust
12 funds") from or on behalf of principals, and thereafter made
13 deposit or disbursement of such funds.

14 7. In the course of activities described in Paragraphs
15 4 through 6 and during the examination period described in
16 Paragraph 5, Respondents VENTURE WEST CAPITAL, INC., and ANTHONY
17 ORLANDO SANCHEZ acted in violation of the Code and the
18 Regulations as follows, and as more specifically set forth in
19 Audit Report No. LA 100144 and related exhibits:

20 a. Violated Code Section 10146 and Regulation 2832 by
21 collecting advance fees from Adolfo L. for loan modification
22 services for property located at 1103 W. Herald, Lake Elsinore,
23 California and failing to deposit the funds into a real estate
24 broker trust account.

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1 b. Violated Code Section 10176(i) by misappropriating
2 the funds received from Adolfo L. without the knowledge or
3 permission of Adolfo L.

4 c. Violated Code Section 10145 and Regulations 2831
5 and 2831.1 by not maintaining records for the funds received from
6 Adolfo L.

7 d. Violated Code Section 10176(e) by commingling the
8 funds received from Adolfo L. with the broker's funds.

9 e. Violated Code Section 10085 and Regulation 2970 by
10 failing to provide advance fee material/agreements to be used to
11 the Commissioner for review and approval ten days prior to their
12 use.

13 f. Violated Code Section 10146 and Regulation 2972 by
14 collecting advance fees from borrowers without maintaining and
15 providing an accounting to borrowers showing the description of
16 the services to be rendered, which trust account the funds were
17 deposited and details of how the funds were disbursed.

18 g. Violated Code Section 10162 and Regulation 2715 by
19 not at all times maintaining a definite place of business for the
20 transaction of real estate activity and failing to notify the
21 Department of the change in business location.

22 h. Violated Code Section 10148 by not retaining copies
23 of all books and records pertaining to the above transaction.

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1 8. The conduct, acts and/or omissions of Respondents
2 VENTURE WEST CAPITAL, INC., and ANTHONY ORLANDO SANCHEZ, as
3 alleged above, subjects their real estate licenses and license
4 rights to suspension or revocation pursuant to Sections
5 10176(e), 10177(d), and/or 10177(f), 10177(g) and 10176(i) of the
6 Code.

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8 FAILURE TO SUPERVISE

9 9. The conduct, acts and/or omissions of Respondent
10 ANTHONY ORLANDO SANCHEZ, in failing to ensure full compliance
11 with the Real Estate Law is in violation of Code Section 10159.2
12 and subjects his real estate licenses and license rights to
13 suspension or revocation pursuant to Sections 10177(d), 10177(g),
14 and/or 10177(h) of the Code.

15 SECOND CAUSE OF ACCUSATION

16 10. Complainant incorporates by reference Paragraphs 1
17 through 4 above.

18 11. During March, 2009 through May, 2009, for or in
19 expectation of compensation, Respondents solicited advance fees
20 from Dorothy M. M. for loan modification services on real
21 property.

22 12. Respondents violated Code Sections 10145, 10146 and
23 Regulations 2832 and 2972 by collecting advance fees from Dorothy
24 M. and not depositing the fees into a real estate broker trust
25 account. Respondent failed to provide a verified accounting to
26 Dorothy M.

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1 13. Respondents misappropriated the funds they received
2 from Dorothy M. without the knowledge or permission of Dorothy M.

3 14. Respondents violated Code Section 10085 and
4 Regulation 2970 by failing to provide advance fee
5 material/agreements to be used to the Commissioner for review and
6 approval ten days prior to there use.

7 15. The conduct of Respondents, as alleged above,
8 subjects their real estate licenses and license rights to
9 disciplinary action pursuant to Section 10176(i) of the Business
10 and Professions Code, and Sections 10177(d) and/or 10177(g) for
11 violation of Code Sections 10085, 10145, 10146, and Regulations
12 2832, 2970, and 2972.

13 COST RECOVERY

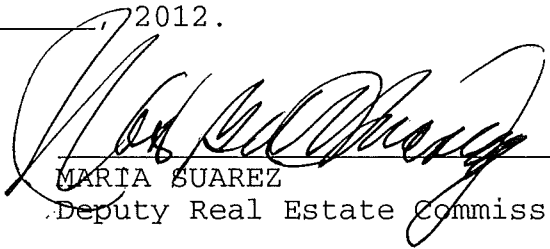
14 Code Section 10106 provides, in pertinent part, that in
15 any order issued in resolution of a disciplinary proceeding
16 before the department, the commissioner may request the
17 administrative law judge to direct a licensee found to have
18 committed a violation of this part to pay a sum not to exceed the
19 reasonable costs of the investigation and enforcement of the
20 case.

21 WHEREFORE, Complainant prays that a hearing be
22 conducted on the allegations of this Accusation and that upon
23 proof thereof, a decision be rendered imposing disciplinary
24 action against all licenses and license rights of Respondents
25 VENTURE WEST CAPITAL, INC., and ANTHONY ORLANDO SANCHEZ
26 individually and as designated officer of Venture West Capital,
27 Inc. under the Real Estate Law (Part 1 of Division 4 of the

1 Business and Professions Code), for the cost of investigation and
2 enforcement as permitted by law, and for such other and further
3 relief as may be proper under other applicable provisions of law.

4 Dated at Los Angeles, California

5 this 5th day of April, 2012.


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8 MARIA SUAREZ

Deputy Real Estate Commissioner

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24 cc: Venture West Capital, Inc.
25 Anthony Orlando Sanchez
26 Maria Suarez
27 Sacto.