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New  
file

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**FILED**

JUN 22 2012

DEPARTMENT OF REAL ESTATE  
BY: R. Medeiros

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of )  
12 OPCIONES MORTGAGE; )  
13 REMAX EMPIRE, INC.; )  
14 and RUBEN A. DIAZ )  
individually and as )  
15 designated officer of )  
Opciones Mortgage )  
16 and Remax Empire, Inc.; )  
and HECTOR A. VASQUEZ, )  
17 Respondents, )  
18 )

No. H- 38214 LA  
**A C C U S A T I O N**

19  
20 The Complainant, Maria Suarez, a Deputy Real Estate  
21 Commissioner of the State of California, for cause of accusation  
22 against OPCIONES MORTGAGE, REMAX EMPIRE, INC., RUBEN A. DIAZ  
23 individually and as designated officer of Opciones Mortgage and  
24 Remax Empire, Inc., and HECTOR A. VASQUEZ alleges as follows:  
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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 OPCIONES  
4 MORTGAGE, REMAX EMPIRE, INC., RUBEN A. DIAZ, and HECTOR A.  
5 VASQUEZ.

6           2. OPCIONES MORTGAGE, REMAX EMPIRE, INC., RUBEN A.  
7 DIAZ individually and as designated officer of Opciones Mortgage,  
8 and Remax Empire, Inc., and HECTOR A. VASQUEZ (hereinafter  
9 referred to as "Respondents") are presently licensed and/or have  
10 license rights under the Real Estate Law (Part 1 of Division 4 of  
11 the Business and Professions Code, hereinafter Code).

12           3. At all times herein mentioned, Respondents OPCIONES  
13 MORTGAGE, and REMAX EMPIRE, INC. were licensed as a real estate  
14 broker with Respondent RUBEN A. DIAZ as their designated broker  
15 officer.

16           4. At all times herein mentioned, Respondent HECTOR A.  
17 VASQUEZ was licensed as a real estate salesperson licensed to  
18 real estate brokers Remax Empire, Inc. and H & M Investments,  
19 Inc.

20           5. Ernesto A. Diaz was an expired real estate  
21 salesperson since August 9, 2003.

22   FIRST CAUSE OF ACCUSATION

23           6. Respondents OPCIONES MORTGAGE and REMAX EMPIRE,  
24 INC. violated Title 10, Chapter 6, California Administrative Code  
25 Section 2742(c) by engaging in activities requiring a real estate  
26 broker license after being suspended by the California Franchise  
27

1 Tax Board. Cause for disciplinary action exists pursuant to Code  
2 Sections 10177(d), 10177(g), and/or 10177(f).

3 SECOND CAUSE OF ACCUSATION

4 6229 Albany St., Huntington Park

5 7. On or about July 11, 2009, for or in expectation of  
6 compensation, Respondents OPCIONES MORTGAGE and RUBEN A. DIAZ and  
7 Ernesto A. Diaz solicited and negotiated a re-finance loan and  
8 loan modification on real property located at 6229 Albany St.,  
9 Huntington Park, California for borrowers Heriberto L., Estela L.  
10 and Dionisio L.

11 8. Respondents OPCIONES MORTGAGE and RUBEN A. DIAZ  
12 violated Code Section 10137 by employing Ernesto A. Diaz to  
13 perform activities requiring a real estate license as defined by  
14 Code Sections 10131(d) and 10131.2 while he was not licensed as a  
15 real estate salesperson.

16 9. Respondents OPCIONES MORTGAGE and RUBEN A. DIAZ  
17 violated Code Sections 10145 and 10146 and Regulation 2832 by  
18 collecting advance fees from the borrowers and not depositing the  
19 fees into a real estate broker trust account.

20 10. Respondents OPCIONES MORTGAGE and RUBEN A. DIAZ  
21 misappropriated the funds they received from the borrowers  
22 without the knowledge or permission of the borrowers.

23 11. Cause of disciplinary action exists pursuant to  
24 Code Sections 10137, 10177(d), 10177(g) and/or 10176(i).

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THIRD CAUSE OF ACCUSATION

2733 Monterey Road, Los Angeles

12. On or about January 21, 2010, for or in expectation of compensation, Respondents REMAX EMPIRE, INC., RUBEN A. DIAZ, and HECTOR A. VASQUEZ solicited and negotiated a re-finance loan and loan modification on real property located at 2733 Monterey Road, Los Angeles, California for borrower Olga R.

13. Respondent VASQUEZ violated Code Section 10145(c) by collecting advance fees from the borrower and not turning the funds over to his employing broker.

14. Respondent VASQUEZ misappropriated the funds he received from the borrower without the knowledge or permission of the borrower.

15. Respondent VASQUEZ falsely advised the borrower that her loan had been approved. Respondent VASQUEZ falsely advised the borrower that the "Notice of Trustee's Sale" received by the borrower was only propaganda and that everything was fine with the house. Respondent VASQUZ falsely informed the borrower that her payments were sent to Citibank.

16. Respondents OPCIONES MORTGAGE and REMAX EMPIRE, INC. violated Code Section 10085 and Regulation 2970 by failing to provide advance fee material/agreements to be used to the Commissioner for review and approval ten days prior to there use.

17. The activities of Respondent VASQUEZ are acts requiring a real estate broker license under the provisions of Code Sections 10131.2 and 10131(d) and (e).

1 18. The conduct of Respondents OPCIONES MORTGAGE, REMAX  
2 EMPIRE, INC., and RUBEN A. DIAZ, as alleged above, subjects their  
3 real estate licenses and license rights to disciplinary action  
4 pursuant to Section 10176(i) of the Business and Professions  
5 Code, and Sections 10177(d), and/or 10177(g) for violation of  
6 Code Section 10085 and Regulation 2970 in first and second Causes  
7 of Accusation.

8 19. The conduct of Respondent RUBEN A. DIAZ was in  
9 violation of Code Section 10159.2 and subjects his real estate  
10 licenses to disciplinary action under Code Sections 10177(d) and  
11 10177(h).

12 20. The conduct of Respondent HECTOR A. VASQUEZ, as  
13 alleged above, subjects his real estate license and license  
14 rights to disciplinary action pursuant to Sections 10176(a) and  
15 10176(i) of the Business and Professions Code, and Section  
16 10177(d) for violation of Code Sections 10130 and 10145(c).

17 COST RECOVERY

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

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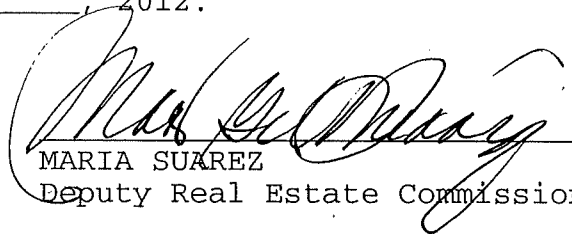
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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents  
5 OPCIONES MORTGAGE, REMAX EMPIRE, INC., RUBEN A. DIAZ individually  
6 and as designated officer of OPCIONES MORTGAGE, and REMAX EMPIRE,  
7 Inc., and HECTOR A. VALDEZ under the Real Estate Law (Part 1 of  
8 Division 4 of the Business and Professions Code), for the cost of  
9 investigation and enforcement as permitted by law, and for such  
10 other and further relief as may be proper under other applicable  
11 provisions of law.

12 Dated at Los Angeles, California

13 this 4<sup>th</sup> day of May, 2012.

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16 MARIA SUAREZ  
17 Deputy Real Estate Commissioner

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24 cc: Opciones Mortgage  
25 Remax Empire, Inc.  
26 Ruben A. Diaz  
27 Hector A. Valdez  
Julio Cesar Martinez  
Maria Suarez  
Sacto.