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FILED

AUG 15 2012

DEPARTMENT OF REAL ESTATE
BY: CA

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-38336 LA
12 RICARDO VALEGA,)	<u>A C C U S A T I O N</u>
13)	
14 Respondent.)	
15)	

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against RICARDO VALEGA ("Respondent"), is informed and alleges
19 as follows:

20 1.

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

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law (Part 1 of Division 4 of the
27 California Business and Professions Code, "Code").
28

1 3.

2 From October 6, 2007 through the present, Respondent
3 has been licensed by the Department of Real Estate
4 ("Department") as a real estate salesperson, License ID
5 01828647. At all times mentioned herein, Respondent was
6 licensed under the employment of broker Realty Options Plus,
7 Inc.
8

9 FIRST CAUSE OF ACCUSATION
10 (Unlicensed Activity/Unlawful Compensation)

11 4.

12 Code Section 10132 defines a real estate salesperson
13 as a person who, for compensation or in expectation of
14 compensation, is employed by a licensed real estate broker to do
15 one or more of the acts set forth in Sections 10131, 10131.1,
16 10131.2, 10131.3, 10131.4, and 10131.6. Code Section 10131
17 defines a real estate broker as a person who: (d) solicits
18 borrowers, negotiates loans, collects payments or performs
19 services for borrowers in connection with loans secured directly
20 or collaterally by liens on real property. Code Section 10137
21 states that no real estate salesperson shall be employed by or
22 accept compensation from any person other than the broker under
23 whom he or she is at the time licensed.

24 5.

25 S.M.Y. Paralegal Services aka S.M.Y. Legal Services,
26 Sylvia Grabiela S. Romero, and Maria Lourdes Mutuc are not
27 licensed in any capacity by the Department. Sylvia Grabiela S.
28

1 Romero and Maria Lourdes Mutuc are owners of S.M.Y. Paralegal
2 Services.

3 6.

4 On or about November 7, 2009, Respondent, while
5 working on behalf of S.M.Y. Legal Services, solicited and
6 offered to assist borrower Ysidro C. with loan modification and
7 negotiation services. Ysidro C. entered into a written advance
8 fee agreement with S.M.Y. Legal Services for loan modification
9 and negotiation services in connection with a loan secured by a
10 lien on real property. Ysidro C. paid an advance fee of \$3,600
11 to S.M.Y. Legal Services for loan modification and negotiation
12 services. S.M.Y. Legal Services failed to perform the loan
13 modification and negotiation services that had been promised to
14 Ysidro C.

15 7.

16 S.M.Y. Legal Services collected the advance fees
17 described in Paragraph 6, above, pursuant to the provisions of a
18 written agreement which constitutes an advance fee agreement
19 within the meaning of Code Section 10085.

20 8.

21 The conduct, acts and/or omissions of Respondent as
22 set forth in Paragraph 6, above, are in violation of Code
23 Sections 10130 and 10137 which constitute grounds for the
24 suspension or revocation of the license and license rights of
25 Respondent pursuant to Code Sections 10137, 10177(d) and/or
26 10177(g).

9.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent RICARDO VALEGA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California
this 1st day of August, 2012.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Ricardo Valega
Realty Options Plus, Inc.
Maria Suarez
Sacto.