

1 in her official capacity.

2 2.

3 Respondents are presently licensed and/or have license
4 rights under the Real Estate Law (Part 1 of Division 4 of the
5 California Business and Professions Code, "Code").

6 3.

7 From March 11, 2005 through the present, Respondent
8 CARLOS VELAZQUEZ & ASSOCIATES, INC. ("CVA") has been licensed by
9 the Department of Real Estate ("Department") as a corporate real
10 estate broker, License ID 01481170. Respondent CVA is licensed
11 to do business as Century 21 South Coast and Su Casa Mortgage.
12

13 4.

14 From November 20, 2006 through the present, Respondent
15 CAMILLE RAYE GUESS ("GUESS") has been licensed by the Department
16 as a real estate broker, License ID 01447703.

17 5.

18 From June 1, 2009 through December 7, 2010, Respondent
19 CVA was authorized to act by and through Respondent GUESS as its
20 broker designated pursuant to Code Section 10159.2 to be
21 responsible for ensuring compliance with the Real Estate Law.

22 6.

23 From January 19, 1996 through the present, Respondent
24 CARLOS A. VELAZQUEZ ("VELAZQUEZ") has been licensed by the
25 Department as a real estate salesperson, License ID 01204943.
26 From May 19, 2005 through December 6, 2010, Respondent VELAZQUEZ
27 was licensed under the employment of Respondent CVA.
28

FIRST CAUSE OF ACCUSATION
(Suspended Corporate Status - CVA)

7.

Respondent CVA is a California corporation.
Respondent VELAZQUEZ is an officer or director of CVA.

8.

The corporate powers, rights and privileges of
Respondent CVA have been suspended by the California Secretary
of State. CVA's corporate status remains suspended.

9.

The suspension of Respondent CVA's corporate powers is
in violation of Regulation 2742, subdivision (c) and constitutes
grounds to suspend or revoke Respondent CVA's corporate real
estate broker license pursuant to Code Sections 10177(d) and/or
10177(g).

SECOND CAUSE OF ACCUSATION
(Fraud/Dishonest Dealing - CVA and VELAZQUEZ)

10.

There is hereby incorporated in this Second, separate
and distinct Cause of Accusation, all of the allegations
contained in Paragraphs 1 through 9, with the same force and
effect as if herein fully set forth.

11.

In or around May, 2010, Respondent VELAZQUEZ offered
to sell real property located at 36875 Pictor Ave., Murrieta,
California ("subject property"). Respondent VELAZQUEZ acted as
the listing agent for broker Respondent CVA, doing business as

1 Century 21 South Coast. On May 7, 2010, selling agent John B.
2 submitted an offer to purchase the subject property on behalf of
3 prospective buyer, Deth S. On May 11, 2010, Respondent
4 VELAZQUEZ submitted a counter offer on behalf of Kristina G.,
5 the alleged seller of the subject property. Respondent
6 VELAZQUEZ executed the residential purchase agreement for the
7 subject property as the listing agent on behalf of alleged
8 seller, Kristina G.

9
10 12.

11 Thereafter, the selling agent and prospective buyer
12 discovered that Respondent VELAZQUEZ had failed to disclose that
13 Kristina G. was not the true owner of the subject property, nor
14 did Kristina G. have title to the subject property at the time
15 that the residential purchase agreement and counter offer were
16 executed by Kristina G. and Respondent VELAZQUEZ. A notice of
17 default had been recorded against the subject property on or
18 about February 24, 2010. Respondent VELAZQUEZ also failed to
19 disclose that Joseph T. (the true owner of the subject property)
20 was attempting to short sell the subject property.

21 13.

22 Deth S. cancelled the residential purchase agreement
23 upon discovering Respondent VELAZQUEZ' omissions and substantial
24 misrepresentations as to the true owner of the subject property
25 and existing encumbrances affecting title to the subject
26 property.

27
28 14.

1 The conduct, acts or omissions of Respondent
2 VELAZQUEZ, while acting as an agent for Respondent CVA, as set
3 forth in Paragraphs 11 through 13 above, constitute grounds for
4 the suspension or revocation of the licenses and license rights
5 of Respondents VELAZQUEZ and CVA, pursuant to Code Sections
6 10176(a) (making any substantial misrepresentation), 10177(j)
7 (conduct which constitutes fraud or dishonest dealing) and/or
8 10177(g) (negligence).

9
10 THIRD CAUSE OF ACCUSATION
11 (Failure to Supervise)
12 (GUESS)

13 15.

14 There is hereby incorporated in this Third, separate
15 and distinct Cause of Accusation, all of the allegations
16 contained in Paragraphs 1 through 14, with the same force and
17 effect as if herein fully set forth.

18 16.

19 The conduct, acts and/or omissions of Respondent
20 GUESS, in allowing Respondents CVA and VELAZQUEZ to violate the
21 Real Estate Law, as set forth above, constitutes a failure by
22 Respondent GUESS, as the officer designated by the corporate
23 broker licensee, to exercise the supervision and control over
24 the activities conducted on behalf of Respondent CVA by its
25 officers and employees, as required by Code Section 10159.2 and
26 Regulation 2725, and is cause to suspend or revoke the real
27 estate license and license rights of Respondent GUESS under Code
28 Sections 10177(h), 10177(d) and/or 10177(g).

17.

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 Respondents CARLOS VELAZQUEZ & ASSOCIATES, INC., CAMILLE RAYE GUESS, individually and as former designated officer of Carlos Velazquez & Associates, Inc., and CARLOS A. VELAZQUEZ, 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 28 day of August, 2012.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Carlos Velazquez & Associates, Inc.
Camille Raye Guess
Carlos A. Velazquez
Jose Octavio Alegria
Robin Trujillo
Sacto.

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