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**FILED**

SEP 11 2012

DEPARTMENT OF REAL ESTATE  
BY: *R. Niederhold*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 METRO CITY, INC.; )  
14 and ALEX MIGUEL IZQUIERDO )  
15 individually and as )  
16 designated officer of )  
17 Metro City, Inc., )  
18 Respondents; )  
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No. H- 38404 LA

A C C U S A T I O N

19 The Complainant, Robin Trujillo, a Deputy Real Estate  
20 Commissioner of the State of California, for cause of accusation  
21 against METRO CITY, INC., and ALEX MIGUEL IZQUIERDO individually  
22 and as designated officer of Metro City, Inc., alleges as  
23 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 METRO CITY,  
4 INC., and ALEX MIGUEL IZQUIERDO.

5           2. METRO CITY, INC., and ALEX MIGUEL IZQUIERDO  
6 individually and as designated officer of Metro City, Inc.  
7 (hereinafter referred to as "Respondents") are presently licensed  
8 and/or have license rights under the Real Estate Law (Part 1 of  
9 Division 4 of the Business and Professions Code, hereinafter  
10 Code).

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

1 where it was acting as an agent in the transaction pursuant to  
2 Financial Code Section 17006(a)(4).

3           5. On or about February 23, 2012, the Department  
4 completed an examination of Respondent METRO CITY, INC.'s books  
5 and records, pertaining to the activities described in Paragraph  
6 4 above, covering a period from November 1, 2008, through October  
7 31, 2011, which examination revealed violations of the Code and  
8 of Title 10, Chapter 6, California Code of Regulations  
9 (hereinafter Regulations) as set forth below.

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

16           7. In the course of activities described in Paragraphs  
17 4 through 6 and during the examination period described in  
18 Paragraph 5, Respondents METRO CITY, INC., and ALEX CITY  
19 IZQUIERDO acted in violation of the Code and the Regulations as  
20 follows, and as more specifically set forth in Audit Report No.  
21 LA 110022 and related exhibits:

22           a. Violated Code Section 10145 and Regulation 2832.1  
23 by by maintaining as of October 31, 2011 a trust account shortage  
24 of \$1,726.90.

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1           b. Violated Code Section 10145 and Regulation 2831 by  
2 maintaining a control record that was not accurate and complete.

3           c. Violated Code Section 10145 and Regulation 2831.1  
4 by maintaining separate records that were not accurate and  
5 complete.

6           d. Violated Code Section 10145 and Regulation 2831.2  
7 by not maintaining complete and accurate monthly reconciliations  
8 of all the separate records to the control record for the escrow  
9 activity.

10           e. Violated Code Section 10145 and Regulation 2834 by  
11 allowing unlicensed persons to be a signatory on the trust  
12 account without fidelity bond coverage.

13           f. Violated Code Section 10176(e) by depositing trust  
14 funds into an account that was not a real estate broker trust  
15 account.

16           g. Violated Code Section 10176(g) by collecting  
17 interest on trust funds deposited into an account which was not a  
18 trust account and failing to disclose to the principals that the  
19 broker was collecting the interest.

20           h. Violated Code Section 10145(d) and Regulation  
21 2950(g) by placing trust funds into bank accounts which were not  
22 broker trust accounts without written authorization from the  
23 party or parties paying the money into escrow.

24           (i) Violated Regulation 2731 by using the unlicensed  
25 fictitious business name "Metro City Inc. Escrow Division".

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1 (j) Violated Regulation 2950(h) by failing to advise  
2 all parties in writing that the broker had an interest as an  
3 owner of the agency holding the escrow.

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5 8. The conduct, acts and/or omissions of Respondents  
6 METRO CITY, INC., and ALEX MIGUEL IZQUIERDO, as alleged above,  
7 subjects their real estate licenses and license rights to  
8 suspension or revocation pursuant to Sections 10176(e), 10176(g),  
9 10177(d), and/or 10177(g) of the Code.

10 FAILURE TO SUPERVISE

11 9. The conduct, acts and/or omissions of Respondent  
12 IZQUERIDO, in failing to ensure full compliance with the Real  
13 Estate Law is in violation of Code Section 10159.2 and subjects  
14 his real estate licenses and license rights to suspension or  
15 revocation pursuant to Sections 10177(d), 10177(g), and/or  
16 10177(h) of the Code.

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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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 METRO CITY, INC., and ALEX MIGUEL IZQUIERDO individually and as  
6 designated officer of Metro City, Inc. under the Real Estate Law  
7 (Part 1 of Division 4 of the Business and Professions Code), for  
8 the cost of investigation and enforcement as permitted by law,  
9 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 4 day of September, 2012.

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15 ROBIN TRUJILLO  
16 Deputy Real Estate Commissioner  
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24 cc: Metro City, Inc.  
25 Alex Miguel Izquierdo  
26 Robin Trujillo  
27 Sacto.