

FILED

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DEPARTMENT OF REAL ESTATE

BY: Laura B. Olson

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-38454 LA
)
DELIA PARTIDA,) A C C U S A T I O N
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of
Accusation against DELIA PARTIDA, is informed and alleges as
follows:

1.

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

2.

Respondent DELIA PARTIDA (hereinafter "Respondent")
is presently licensed and/or has license rights under the Real
Estate Law (Part 1 of Division 4 of the Business and
Professions Code, hereinafter "Code") as a real estate

1 salesperson. At all relevant times herein, Respondent was
2 licensed under the employ of broker Evergreen Realty &
3 Associates Inc (hereinafter "Evergreen").

4 3.

5 On or about June 4, 2004, Respondent filed Articles of
6 Incorporation with the California Secretary of State for D&A
7 Financial Services, Inc (hereinafter "D&A"). D&A is not now,
8 nor has it ever been, licensed by the Department in any
9 capacity.

10 4.

11 Respondent engaged in the business of a real estate
12 broker in the State of California within the meaning of Code
13 Sections 10131(d) and 10131.2, including performing loan
14 modification activities and claiming, demanding, charging,
15 receiving, collecting or contracting for the collection of an
16 advance fee, within the meaning of Code Section 10026,
17 including, but not limited to, the following loan modification
18 activities with respect to loans which were secured by liens on
19 real property.

20 5.

21 On October 8, 2009, Respondent, doing business as
22 D&A, entered into an agreement with Crispin F. and Maria M. in
23 which they agreed to pay advance fees to D&A for services in
24 connection with a loan secured by real property. Crispin F.
25 and Maria M. paid Respondent advance fees of \$675 in both
26 November 2009 and February 2010.

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1 6.

2 The activity described in paragraph 5 above requires
3 a broker license, pursuant to Code Sections 10131(d) and
4 10085.5. Respondent was not licensed as a broker when she
5 engaged in the activity described in paragraph 5, in violation
6 of Code Section 10130. This provides cause for the suspension
7 or revocation of the licenses and license rights of Respondent
8 pursuant to Code Sections 10177(d) and/or 10177(g).

9 7.

10 Respondent accepted the payments described in
11 paragraph 5 above when she was licensed under the broker
12 Evergreen. Evergreen had no knowledge of, and did not approve
13 the transaction described in paragraph 5. Pursuant to Code
14 Section 10137, no real estate salesperson shall accept
15 compensation from any person other than the broker under whom
16 she is at the time licensed. This provides cause for the
17 suspension or revocation of the licenses and license rights of
18 Respondent pursuant to Code Section 10137.

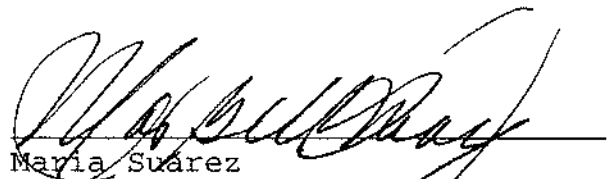
19 8.

20 Effective October 11, 2009, it became unlawful for a
21 licensee to collect any compensation for a loan modification
22 until the licensee had fully performed each and every service
23 the licensee contracted to perform. Therefore, the compensation
24 collected by Respondent, as described in paragraph 5 above,
25 provides cause for the suspension or revocation of the licenses
26 and license rights of Respondent pursuant to Code Section
27 10085.6.

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 the licenses and license rights of Respondent
5 DELIA PARTIDA, under the Real Estate Law, that Complainant be
6 awarded its costs of investigation and prosecution of this case,
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 27th day of August, 2012

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14 
15 Maria Suarez
16 Deputy Real Estate Commissioner
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24

25 CC: DELIA PARTIDA
26 AMC Inc
27 Maria Suarez
Sacto.