

1 2.

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

5 3.

6 From March 23, 1994 through the present, Respondent
7 DARREN KEITH WALKER ("WALKER") has been licensed by the
8 Department of Real Estate ("Department") as a real estate
9 broker, License ID 00954850.

10 4.

11 From July 7, 2000 through the present, Respondent
12 UPTOWN BROKERS, INC. ("UBI") has been licensed by the Department
13 as a corporate real estate broker, License ID 01290937.

14 5.

15 From May 10, 1985 through the present, Respondent
16 TOMARCK FINANCIAL, INC. ("TFI") has been licensed by the
17 Department as a corporate real estate broker, License
18 ID 00886185.

19 6.

20 At all times relevant herein, Respondents UBI and TFI
21 were authorized to act by and through Respondent WALKER as its
22 designated officer pursuant to Code Section 10159.2 to be
23 responsible for ensuring compliance with the Real Estate Law.
24

25 7.

26 Respondents UBI and TFI are California corporations.
27 Respondent WALKER is an officer and director of Respondents UBI
28 and TFI.

FIRST CAUSE OF ACCUSATION
(Suspended Corporate Status)

8.

The rights and privileges of Respondent UBI are currently suspended by the California Secretary of State pursuant to the provisions of the California Revenue and Taxation Code. Said suspension is a violation of Section 10177(f) of the Code in that it would have constituted grounds for the denial of UBI's corporate real estate broker license under Section 2742 of the Regulations, Title 10, Chapter 6, California Code of Regulations ("Regulations").

9.

The rights and privileges of Respondent TFI are currently suspended by the California Secretary of State pursuant to the provisions of the California Revenue and Taxation Code. Said suspension is a violation of Section 10177(f) of the Code in that it would have constituted grounds for the denial of TFI's corporate real estate broker license under Section 2742 of the Regulations.

10.

The suspension of Respondents UBI's and TFI's corporate status is in violation of Regulation 2742, subdivision (c) and constitutes grounds to suspend or revoke Respondents UBI's and TFI's corporate real estate broker licenses pursuant to Code Section 10177(d) and/or 10177(g).

1 11.

2 The conduct, acts and/or omissions of Respondent
3 WALKER, in allowing Respondents UBI and TFI to violate the Real
4 Estate Law, as set forth above, constitutes a failure by
5 Respondent WALKER, as the officer designated by the corporate
6 broker licensees, to exercise the supervision and control over
7 the activities of Respondents UBI and TFI, as required by Code
8 Section 10159.2, and is cause to suspend or revoke the real
9 estate license and license rights of Respondent WALKER under
10 Code Sections 10177(h), 10177(d) and/or 10177(g).

11
12 SECOND CAUSE OF ACCUSATION
13 (5352 Village Green)

14 12.

15 There is hereby incorporated in this Second, separate
16 and distinct Cause of Accusation, all of the allegations
17 contained in Paragraphs 1 through 11, with the same force and
18 effect as if herein fully set forth.

19 13.

20 Code Section 10176(f) prohibits "[C]laiming,
21 demanding, or receiving a fee, compensation, or commission under
22 any exclusive agreement authorizing or employing a licensee to
23 perform any acts set forth in Section 10131 for compensation or
24 commission where the agreement does not contain a definite,
25 specified date of final and complete termination."

26 14.

27 On or about May 20, 2011, Respondent WALKER induced
28 Johnetta S. to enter into a commission agreement with Respondent

1 WALKER concerning the sale of real property located at 5352
2 Village Green #96, Los Angeles, California ("subject property").
3 Johnetta S. entered into the commission agreement based on
4 Respondent's representation that he was acting as her exclusive
5 listing agent. The commission agreement failed to specify a
6 definite date of complete termination. Respondent failed to
7 provide Johnetta S. with any actual listing agreement for the
8 sale of the subject property. Respondent changed the listing
9 price for the subject property prior to informing or obtaining
10 approval of any changes from Johnetta S.

11 15.

12 The conduct, acts and/or omissions of Respondent
13 WALKER as set forth in Paragraphs 13 and 14 above constitute
14 grounds for the suspension or revocation of the license and
15 license rights of Respondent WALKER pursuant to Code Sections
16 10176(a) (making any substantial misrepresentation), 10176(f),
17 10176(i) (dishonest dealing) and/or 10177(g).

18 16.

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

26 ///

27 ///

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/or license rights of Respondents
5 UPTOWN BROKERS, INC., TOMARCK FINANCIAL, INC., and DARREN KEITH
6 WALKER, individually and as designated officer of Uptown
7 Brokers, Inc. and Tomarck Financial, Inc. under the Real Estate
8 Law (Part 1 of Division 4 of the Business and Professions Code),
9 for the cost of investigation and enforcement as permitted by
10 law, and for such other and further relief as may be proper
11 under other provisions of law.

12 Dated at Los Angeles, California
13 this 1 day of November , 2012.

14
15 
16 _____
17 ROBIN TRUJILLO
18 Deputy Real Estate Commissioner
19
20
21
22

23 cc: Uptown Brokers, Inc.
24 Tomarck Financial, Inc.
25 Darren Keith Walker
26 Robin Trujillo
27 Sacto.
28