

FILED

JUL 30 2013

BUREAU OF REAL ESTATE

By *Donald S. Smith*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-38682 LA
)
UNION REAL ESTATE INC; and)
FRANCISO LICEA JR,)
individually and as former)
designated officer of)
Union Real Estate Inc,)
Respondents.)
_____)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 6, 2013, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent Union Real Estate Inc's ("UNION") express admissions; (2) affidavits; and (3) Department Audit Report LA110166 and (4) other evidence.

FACTUAL FINDINGS

1.

On January 31, 2013, Maria Suarez made the Accusation in her official capacity as a Deputy Real

Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified and regular mail, to UNION's last known mailing address on file with the Department of Real Estate ("Department") on February 1, 2013.

2.

On May 6, 2013, no Notice of Defense having been filed by UNION within the time prescribed by Section 11506 of the Government Code, UNION's default was entered herein.

LICENSE HISTORY

3.

At all times mentioned, UNION was licensed and/or has license rights issued by the Department of Real Estate ("Department") as a corporate real estate broker. On July 11, 2011, UNION's license expired. Pursuant to Code Section 10201, UNION retains renewal rights for two years. The Department of Real Estate holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

BROKERAGE

4.

At all times mentioned, in the city of San Bernardino, County of San Bernardino, UNION acted as a real estate broker, conducting licensed activities within the meaning of Code Section 10131(a): selling or offering to sell, buying or offering to buy, real property for others.

AUDIT

5.

On May 14, 2012, the Department completed an audit examination of the books and records of UNION pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examination covered a period of time from February 1, 2009 to February 29, 2012. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA110166 and the exhibits and workpapers attached to said audit report.

VOLATIONS

6.

In the course of activities described in Finding 4 above and during the examination period described in Finding 5, UNION acted in violation of the Code and the Regulations in that:

(a) UNION represented that it held earnest money deposits in two sales transactions, when it had not yet received the earnest money deposits, in violation of Code Section 10176(a).

(b) UNION conducted licensed activities between July 12, 2011 and February 14, 2012, when its license had expired, in violation of Code Section 10130.

(c) UNION failed to disclose the commission it charged to the seller in a Residential Listing Agreement, in violation of Code Section 10176(g).

(d) UNION failed to disclose the definite specified date of the final and complete termination of the contract on one Residential Listing Agreement, in violation of Code Section 10176(f).

(e) UNION failed to disclose its license number on solicitation materials intended to be the first point of contact with consumers, in violation of Code Section 10140.6(b) and Regulation 2773.

(f) UNION conducted real estate activities using the unlicensed fictitious business name "The Union Group", in violation of Code Section 10159.5 and Regulation 2731.

DETERMINATION OF ISSUES

1.

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of UNION under the provisions of Code Sections 10176(a), 10176(g), 10176(f), 10177(d) and/or 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

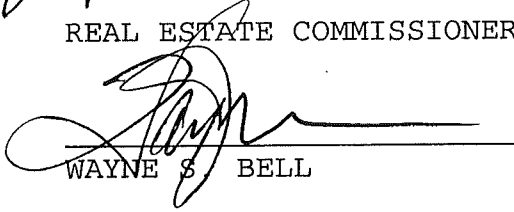
ORDER

The real estate license and license rights of
Respondent UNION REAL ESTATE INC under the provisions of
Part I of Division 4 of the Business and Professions Code
are revoked.

This Decision shall become effective at
12 o'clock noon on AUG 19 2013, 2013

DATED: July 9, 2013

REAL ESTATE COMMISSIONER


WAYNE S BELL

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

FILED

4 (213) 576-6982

MAY - 6 2013

DEPARTMENT OF REAL ESTATE
BY: Jama B. Wilson

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

* * *

10	In the Matter of the Accusation of)	
)	No. H-38682 LA
11	<u>UNION REAL ESTATE INC</u> ; and FRANCISO)	
12	LICEA JR, individually and as)	
13	former designated officer of Union)	
	Real Estate Inc,)	
	Respondents.)	

14 DEFAULT ORDER

15 Respondent UNION REAL ESTATE INC, having failed to
16 file a Notice of Defense within the time required by Section
17 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in
19 this matter.

20 IT IS SO ORDERED

May 3, 2013

21 REAL ESTATE COMMISSIONER
22 WAYNE S. BELL

23 Dolores Weeks

24 By: DOLORES WEEKS
25 Regional Manager
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