

FILED

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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-38685 LA

ORETRA USA INC; and ISABELLE MARY
MC BETH, individually, and as
designated officer of Oretra USA
Inc,

A C C U S A T I O N

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against ORETRA USA INC and ISABELLE MARY MC BETH, individually,
and as designated officer of ORETRA USA INC, alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official
capacity as a Deputy Real Estate Commissioner of the State of
California, makes this Accusation against ORETRA USA INC and
ISABELLE MARY MC BETH.

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1 2.

2 All references to the "Code" are to the California
3 Business and Professions Code and all references to "Regulations"
4 are to Title 10, Chapter 6, California Code of Regulations.

5 LICENSE HISTORY

6 3.

7 A. At all times mentioned, ORETRA USA INC ("ORETRA")
8 and ISABELLE MARY MC BETH ("MC BETH") were licensed or had
9 license rights issued by the Department of Real Estate
10 ("Department") as real estate brokers.

11 B. From February 23, 2009 through the present, ORETRA
12 was licensed by the Department as a corporate real estate broker
13 by and through MC BETH, as the designated officer and broker
14 responsible, pursuant to Code Section 10159.2, for supervising
15 the activities requiring a real estate license conducted on
16 behalf ORETRA of by ORETRA's officers, agents and employees,
17 including MC BETH.

18 C. At all times mentioned, ISABELLE MARY MC BETH ("MC
19 BETH") was licensed or had license rights issued by the
20 Department as a real estate broker. On December 5, 2002, MC BETH
21 was originally licensed as a real estate broker.

22 D. On May 11, 2009, ORETRA entered into a Stipulation
23 and Agreement before the Department in Case No. H-34792 LA, in
24 which ORETRA stipulated to violating Code Section 10145 and
25 Regulations 2832 and 2834. This provided a basis for discipline
26 of ORETRA's license, pursuant to Code Section 10177(d). The
27 Stipulation and Agreement, which became effective on July 7,

1 2009, suspended the license and license rights of ORETRA for
2 sixty (60) days, with the right to stay (30) days of the
3 suspension upon payment of a monetary penalty, and with the
4 additional thirty (30) days stayed for two years upon certain
5 terms and conditions.

6 BROKERAGE

7 ORETRA USA INC

8 4.

9 At all times mentioned, in the City of Gardena, County
10 of Los Angeles, ORETRA and MC BETH acted as real estate brokers
11 conducting licensed activities within the meaning of Code Section
12 10131(b) by managing the rental properties of others for
13 compensation.

14 AUDIT

15 ORETRA USA INC

16 5.

17 On November 15, 2011, the Department completed an audit
18 examination of the books and records of ORETRA pertaining to the
19 property management activities described in Paragraph 4 which
20 require a real estate license. The audit examination covered a
21 period of time beginning on July 7, 2009 to March 31, 2011. The
22 audit examination revealed violations of the Code and the
23 Regulations as set forth in the following paragraphs, and as more
24 fully discussed in Audit Report LA100234 and the exhibits and
25 workpapers attached to said audit report.

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1 VIOLATIONS OF THE REAL ESTATE LAW

2 6.

3 In the course of activities described in Paragraph 4
4 above, and during the examination period described in Paragraph
5 5, Respondents ORETRA and MC BETH acted in violation of the Code
6 and the Regulations in that:

7 (a) ORETRA's adjusted bank balance was less than its
8 accountability by \$1,500 in one trust account and \$12 in another
9 trust account, in violation of Code Section 10145.

10 (b) The records of trust funds received and disbursed
11 were inaccurate, in violation of Code Section 10145 and
12 Regulation 2831.

13 (c) An unlicensed individual, without fidelity bond
14 insurance, was an authorized signer on ORETRA's trust accounts,
15 in violation of Code Section 10145 and Regulation 2834.

16 (d) The name "Enterprise Management" was used by
17 ORETRA in conducting licensed real estate activity without first
18 being licensed with the Department as a fictitious business name,
19 in violation of Code Section 10159.5 and Regulation 2731.

20 7.

21 The conduct of Respondents ORETRA and MC BETH,
22 described in Paragraph 6, above, violated the Code and the
23 Regulations as set forth below:

24 PARAGRAPH

PROVISIONS VIOLATED

25
26 6(a)

Code Section 10145

1 6(b) Code Section 10145 and Regulation
2 2831
3 6(c) Code Section 10145 and Regulation
4 2834
5 6(d) Code Section 10159.5 and Regulation
6 2731

7
8 The foregoing violations constitute cause for the
9 suspension or revocation of the real estate license and license
10 rights of ORETRA and MC BETH, under the provisions of Code
11 Sections 10177(d) and/or 10177(g).

12 SUPERVISION AND COMPLIANCE

13 8.

14 The overall conduct of Respondent MC BETH constitutes a
15 failure on her part, as officer designated by a corporate broker
16 licensee, to exercise the reasonable supervision and control over
17 the licensed activities of ORETRA as required by Code Section
18 10159.2, and to keep ORETRA in compliance with the Real Estate
19 Law, and is cause for the suspension or revocation of the real
20 estate license and license rights of MC BETH pursuant to the
21 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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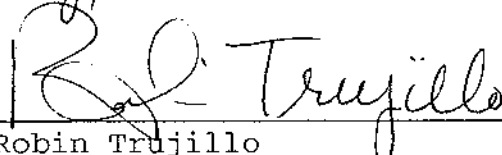
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 ORETRA USA INC and ISABELLE MARY MC BETH, individually and as
6 designated officer of ORETRA USA INC, under the Real Estate Law
7 (Part 1 of Division 4 of the Business and Professions Code) that
8 Complainant be awarded its costs of investigation and prosecution
9 of this case pursuant to Code Section 10106 and for such other
10 and further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California

13
14 this 28 day of January, 2013.

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16 _____
17 Robin Trujillo
18 Deputy Real Estate Commissioner
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25 cc: ORETRA USA INC
26 ISABELLE MARY MC BETH
27 Robin Trujillo
Sacto
Audits