

1 MARTHA J. ROSETT, Counsel (SBN 142072)

2 Bureau of Real Estate

3 320 W. 4th St. #350

4 Los Angeles, CA 90013

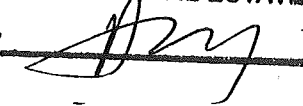
5 Telephone: (213) 576-6982

6 (213) 620-6430 (dir)

FILED

JUL - 7 2014

BUREAU OF REAL ESTATE

By 

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

11 JAMES LEE BAYER,)

12 Respondent.)

No. H-39519 LA

ACCUSATION

13 _____)
14 The Complainant, Maria Suarez ("Complainant"), a Deputy Real Estate
15 Commissioner of the State of California, for cause Accusation against JAMES LEE BAYER, is
16 informed and alleges as follows:

17 1.

18 The Complainant, a Deputy Real Estate Commissioner of the State of California,
19 makes this Accusation against Respondent in her official capacity.

20 2.

21 Respondent JAMES LEE BAYER (hereinafter "Respondent"), is presently
22 licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the
23 California Business and Professions Code (hereinafter "the Code") as a real estate salesperson.
24 Respondent was first licensed as a real estate salesperson in 2005. At all times material,
25 Respondent was employed by Century 21 Hilltop, Rafeh Real Estate & Investments Inc.
26 ("Century 21-Hilltop").

27 ///

1 3.

2 On or about July 14, 2011, Respondent, as an agent of Century 21 Hilltop,
3 entered a listing agreement with Aurora Bank ("Seller") to sell residential real property in
4 Westlake Village, California ("Subject Property"). Subject Property was listed on the MLS on
5 July 18, 2011.

6 4.

7 On the morning of July 18, 2011, Respondent received a call from an interested
8 buyer who was not otherwise represented by an agent. Respondent entered into an agreement to
9 represent the buyer, and prepared an offer which the buyer signed. Respondent submitted the
10 offer to the seller that day, which called for Respondent to be a dual agent of the buyer and
11 seller.

12 5.

13 Respondent did not receive a response or counter offer from the seller for nine
14 days. Seller responded to the buyer's offer with a counter addendum on July 27, 2011. On
15 July 29, 2011, the buyer's offer was accepted and escrow opened.

16 6.

17 Between July 18, 2011 and July 29, 2011, Respondent received three additional
18 offers to purchase the Subject Property. He did not represent the buyers in any of these
19 additional offers. Respondent failed to submit any of these offers to the seller.

20 7.

21 Respondent failed to disclose the listing of the subject property to his employing
22 broker. The employing broker learned of the transaction when parties complained to them.
23 Respondent was terminated as a result.

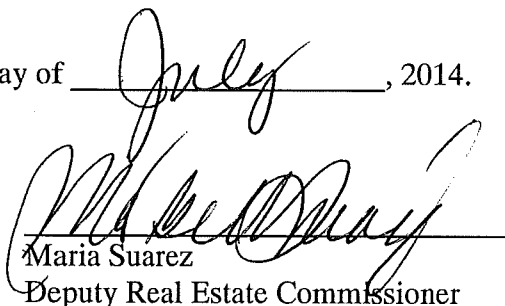
24 8.

25 The conduct, acts and/or omissions set forth above constitutes grounds to
26 suspend or revoke Respondent's real estate salesperson license pursuant to Code Sections
27 10176(a), 10176(i), 10177(j) and/or 10177(g).

Business and Professions Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all license(s) and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California this 3rd day of July, 2014.


Maria Suarez
Deputy Real Estate Commissioner

cc: James Lee Bayer
Maria Suarez
Eric James Corbin
Sacto.