

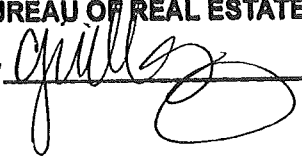
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**FILED**

MAR 30 2015

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	CalBRE No. H-39796 LA
	)	
SWB PROPERTIES, INC.,	)	<u>ACCUSATION</u>
RICARDO ISIDRO DIAZ,	)	
individually, and as designated	)	
officer of SWB Properties, Inc., and	)	
CHRISTOPHER SHAWN GRAJEDA,	)	
	)	
Respondents.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SWB PROPERTIES, INC., RICARDO ISIDRO DIAZ, individually, and as designated officer of SWB Properties, Inc., and CHRISTOPHER SHAWN GRAJEDA (collectively "Respondents"), 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.

///

1 2.

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

5 3.

6 Respondents are presently licensed and/or have license rights under the Real Estate Law  
7 (Part 1 of Division 4 of the Code).

8 4.

9 From July 21, 2008, through the present, Respondent SWB PROPERTIES, INC.  
10 ("SWB") has been licensed and/or has license rights by the Bureau of Real Estate<sup>1</sup> ("Bureau") as  
11 a real estate corporation, License ID 01849301. From July 21, 2008, through the present,  
12 Respondent SWB has been licensed to do business as Mainstreet Realtors.

13 5.

14 From May 6, 2010, through the present, Respondent RICARDO ISIDRO DIAZ  
15 ("DIAZ") has been licensed by the Bureau as a real estate broker, License ID 01380372. DIAZ  
16 was licensed as a real estate salesperson from June 2, 2003 through May 5, 2010.

17 6.

18 At all times herein mentioned, Respondent SWB was licensed as real estate corporation,  
19 acting by and through Respondent DIAZ as SWB's designated broker-officer. As the officer  
20 designated by Respondent SWB pursuant to Section 10211 of the Code, DIAZ was responsible  
21 for the supervision and control of the activities conducted on behalf of Respondent SWB by its  
22 officers and employees as necessary to secure full compliance with Real Estate Law as set forth

23 \_\_\_\_\_  
24 <sup>1</sup> Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All references to the agency are to the successor Bureau.

1 in Section 10159.2 of the Code.

2 7.

3 From April 4, 2007, CHRISTOPHER SHAWN GRAJEDA ("GRAJEDA") was licensed  
4 by the Bureau as a real estate salesperson, License ID 01790076. GRAJEDA has been licensed  
5 under the employment of SWB since November 29, 2011. GRAJEDA's license was previously  
6 suspended from November 22, 2014, through February 4, 2015, pursuant to Family Code section  
7 17520.

8 8.

9 From November 27, 2007, through the present, Rory T. Wilson ("Wilson") was licensed  
10 by the Bureau as a real estate broker, License ID 01836256. Wilson's mailing address is the  
11 same as SWB's main office and mailing address, 8577 Haven Ave., Suite 101, Rancho  
12 Cucamonga, California 91730.

13 9.

14 From July 24, 2008, through the present, Jing He has been licensed by the Bureau as a  
15 real estate salesperson, License ID 01849507. From August 2, 2012, through December 17,  
16 2013, Jing He was licensed under the employment of broker, Realty One Group, Inc., with no  
17 known affiliation to SWB.

18 FIRST CAUSE OF ACCUSATION

19 10.

20 On or about January 24, 2012, Wilson entered into an exclusive residential listing  
21 agreement with Mainstreet Realtors as Wilson's broker, for the sale of Wilson's property located  
22 at 14860 Rosetown Avenue, in Fontana, California ("subject property"). GRAJEDA is listed as  
23 the agent on the first page of the residential listing agreement. GRAJEDA's email address is  
24

1 listed as the email for Mainstreet Realtors. On an unknown date, the residential listing  
2 agreement was subsequently altered to note on page 4 that DIAZ, not GRAJEDA, was the agent  
3 acting on behalf of Mainstreet Realtors. GRAJEDA's real estate license number was replaced by  
4 DIAZ's real estate license number. On September 4, 2014, in a letter written to the Bureau,  
5 DIAZ acknowledged that GRAJEDA "obtained the listing agreement from seller, Mr. Wilson.  
6 However, at the time Mr. Grajeda was not a member of the board of Realtors. At that time I put  
7 the contract was converted (sic) over to my name and advertised under my MLS user ID. Mr.  
8 Grajeda remained in direct contact with seller, Mr. Wilson."

9 11.

10 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 10,  
11 constitute cause for the suspension or revocation of the licenses and license rights of  
12 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),  
13 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)  
14 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

15 12.

16 On or about February 1, 2012, Respondent GRAJEDA executed a residential purchase  
17 agreement for the purchase of the subject property by a prospective buyer, A.T.<sup>2</sup>. GRAJEDA is  
18 listed as the agent for Mainstreet Realtors who represented both the buyer, A.T., and the seller,  
19 Wilson. The sale of the subject property to A.T. never closed. In or around August, 2012,  
20 GRAJEDA showed the subject property to different prospective buyers who were interested in  
21 purchasing the property. GRAJEDA informed the new, prospective, joint buyers, E.F, R.F., and

22 \_\_\_\_\_  
23 <sup>2</sup> Initials are used in place of A.T.'s full name to protect his privacy. Documents containing A.T.'s full name will  
24 be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service on  
Complainant's counsel with a timely and proper request for discovery.

1 S.M.<sup>3</sup> that if they wanted the property they needed to have GRAJEDA represent them as their  
2 agent and make an offer \$20,000 above the listing price. GRAJEDA told the prospective buyers  
3 that he would reject all other offers and cancel a pending open house to ensure that they were  
4 able to purchase the subject property.

5 13.

6 On or about August 10, 2012, a residential purchase agreement was signed between  
7 prospective buyers E.F, R.F, and S.M., and seller, Wilson. Wilson accepted the offer from  
8 buyers, E.F, R.F, and S.M. GRAJEDA induced the prospective buyers to use Belle Vista  
9 Escrow, Inc. as the escrow company for the transaction. The purchase of the property was a  
10 short sale transaction. On the copy of the residential listing agreement that was given to the  
11 escrow company, Mainstreet Realtors is listed as both the selling and listing broker representing  
12 both the seller and the buyers. GRAJEDA is listed as the selling agent for Mainstreet Realtors.  
13 DIAZ is listed as the listing agent for Mainstreet Realtors. On a copy of the residential purchase  
14 agreement given to the buyers, Mainstreet Realtors is listed as the selling broker and GRAJEDA  
15 is listed as the selling agent for Mainstreet Realtors. DIAZ is listed as the listing agent for listing  
16 broker, SWB Properties. SWB Properties' license number on page 8 of the residential listing  
17 agreement is incorrect and corresponds to Jing He's real estate salesperson's license number.  
18 SWB was not licensed to do business as SWB Properties. GRAJEDA was the agent who  
19 actually represented both the buyers and seller for the short sale purchase of the subject property.  
20 On or about July 26, 2013, DIAZ signed a commission authorization on behalf of Mainstreet  
21 Realtors and SWB Properties which instructed the escrow company to pay \$8,387.50 in

22  
23 <sup>3</sup> Initials are used in place of E.F., R.F., and S.M.'s full names to protect their privacy. Documents containing E.F.,  
24 R.F., and S.M.'s full names will be provided during the discovery phase of this case to Respondent(s) and/or their  
attorneys, after service on Complainant's counsel with a timely and proper request for discovery.

1 commissions to "SWB Properties," an unlicensed entity, for the sale of the subject property, in  
2 violation of Code Sections 10159.5, 10130, 10137, and Regulation 2731.

3 14.

4 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 13,  
5 constitute cause for the suspension or revocation of the licenses and license rights of  
6 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),  
7 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)  
8 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

9 15.

10 Real Time Solutions and Ocwen Loan Servicing, LLC were the loan servicers for  
11 Wilson's mortgages on the subject property. The loan servicers required that the parties sign an  
12 affidavit of arm's length transaction in order to approve the short sale of the subject property.  
13 Real Time Solution's affidavit stated that the seller, buyers, and their agents affirm that "no  
14 buyer or agent of the buyer is a family member, business associate of, or shares a business  
15 interest with the seller or agent of the seller." On or about June 21, 2013, DIAZ signed the  
16 affidavit as the agent for the seller, Wilson, and GRAJEDA, signed the affidavit as the buyers'  
17 agent. Real Time Solutions was not informed of any business relationship among Respondents  
18 or between Respondents and Wilson. On or about June 21, 2013, DIAZ and GRAJEDA also  
19 signed an affidavit of arm's length transaction for Ocwen. That affidavit stated that Wilson  
20 could not list the property with, or sell the property to, anyone that Wilson was related to or with  
21 whom he had a close personal or business relationship. On or about August 15, 2014, the Bureau  
22 sent a letter of inquiry to DIAZ and SWB asking, among other things, whether DIAZ and/or  
23 GRAJEDA had a relation to seller, Wilson, in any way. On September 4, 2013, in a letter  
24

1 written to the Bureau, DIAZ notes that GRAJEDA “has been close friends with Mr. Wilson for  
2 over a decade. [I] have also been an acquaintance of Mr. Wilson for a similar period of time.  
3 Furthermore, as of February 7, 2014, Mr. Wilson is employed as an independent contractor with  
4 [our] Real Estate Brokerage.”

5 16.

6 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 15,  
7 constitute cause for the suspension or revocation of the licenses and license rights of  
8 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),  
9 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)  
10 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).

11 17.

12 Escrow closed on or around July 19, 2013. Respondents received \$18,300 in combined  
13 commissions. GRAJEDA induced the buyers to pay approximately over \$30,000 in outstanding  
14 liens owed by Wilson in order to close escrow on the transaction. In their complaint against  
15 GRAJEDA and Respondents to the Bureau, the buyers claim that GRAJEDA and DIAZ made  
16 substantial misrepresentations to the buyers including, but not limited to, the condition of the  
17 property, when Wilson would be vacating the property, and credits that were to be paid by the  
18 seller and GRAJEDA.

19 18.

20 The conduct, acts and/or omissions of Respondents as set forth above in Paragraph 17  
21 constitute cause for the suspension or revocation of the licenses and license rights of  
22 Respondents pursuant to Code Sections Code sections 10176(a) (substantial misrepresentation),  
23 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177(d)  
24

1 (violation of the Real Estate Law), 10177(h) (failure to supervise), and/or 10177(g) (negligence).


2 19.

3 Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a  
4 disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the  
5 administrative law judge to direct a licensee found to have committed a violation of this part to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this  
8 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action  
9 against all licenses and/or license rights of Respondents SWB PROPERTIES, INC., RICARDO  
10 ISIDRO DIAZ, individually, and as designated officer of SWB Properties, Inc., and  
11 CHRISTOPHER SHAWN GRAJEDA under the Real Estate Law (Part 1 of Division 4 of the  
12 Business and Professions Code), for the cost of investigation and enforcement as permitted by  
13 law, and for such other and further relief as may be proper under other provisions of law.

14 Dated at Los Angeles, California

15 this 19th day of March, 2015.

16  
17  
18   
19 MARIA SUAREZ  
Deputy Real Estate Commissioner

20  
21 cc: Swb Properties, Inc.  
22 Ricardo Isidro Diaz  
23 Christopher Shawn Grajeda  
24 Maria Suarez  
Sacto