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**FILED**

JUL 29 2015

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

RODRIGO MELGOZA,

Respondent.

No. H-39929 LA

ACCUSATION

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RODRIGO MELGOZA, 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.

2.

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

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CALBRE ACCUSATION – RODRIGO MELGOZA

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Respondent RODRIGO MELGOZA ( “MELGOZA” or “Respondent”), is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate salesperson, license ID 01456039. Respondent MELGOZA was originally licensed as a real estate salesperson by the Bureau (then “Department”) of Real Estate (“Bureau”) on or about July 12, 2005. MELGOZA was employed by real estate corporation Sarinana Inc. between June 8, 2011 and June 4, 2015, and from June 12, 2015 to the present.

MELGOZA is presently a manager of Cal 4 Building Enterprises, LLC (“C4BE”), a limited liability company with Articles of Organization filed on June 9, 2011 with the California Secretary of State. C4BE’s Statement of Information filed with the California Secretary of State on August 5, 2011 lists Richard Read (“Read”) as the CEO and Tom Carrozzo (“Carrozzo”) and MELGOZA as managers.

On or about July 18, 2013, before the Downey Association of Realtors, in Case No. ETH-2013-03, MELGOZA was expelled from the Downey Association of Realtors for three years; received a letter of reprimand in his member file for three years; and ordered to pay fines in the amount \$3,000 and to complete an ethics course. Additionally, case ETH-2013-03 was to be referred to the Bureau and the California Association of Realtors.

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At all times mentioned, in the city of Downey, in Los Angeles County, California, Respondent MELGOZA acted as a real estate salesperson, and participated in activities requiring a real estate license pursuant to Business and Professions Code Section 10132.

FACTS DISCOVERED BY THE BUREAU

7.

In January 2012, Richard W. and Kristi W. ("Sellers") attended a short sale seminar where they met Respondent MELGOZA, Carrozzo and Stephen Golden, with whom they subsequently met to discuss short selling their property located at 126 W. Manor Street in Altadena, California ("Manor property"). On or about February 4, 2012, Respondent MELGOZA and Sellers signed a Residential Listing Agreement to list the Sellers' Manor property as a short sale with a listing price of \$330,000. Paragraph 4 of the Residential Listing Agreement regarding "Compensation to Broker" was left blank with only the handwritten notation "All commissions to be paid by lender." On or about February 5, 2012, Respondent and Sellers signed an agency agreement in which Respondent agreed that he could only legally be an agent for both buyer and seller with the knowledge and consent of both buyer and seller.

8.

On or about March 12, 2012, the Manor property was listed on the market for \$299,000 with a commission of 1.75% to the buyer's agent. Respondent was listed as the listing agent and Century 21 A Better Service was listed as the listing office. On March 28, 2012, Sellers signed a purchase agreement with Robert P. Between April 2012 and May 2012, Respondent informed Sellers that the Manor property short sale was in its final review with Wells Fargo Bank. On or about May 10, 2012, Respondent informed Sellers via email that Robert P. backed out of the sale and that they should discuss a backup offer from Ana S., to which Sellers responded by submitting a counteroffer and signing a Purchase Agreement.

9.

On July 20, 2012, Respondent emailed Seller Kristi W. that he was unavailable to attend the appraisal inspection scheduled for that day, and that he would send his assistant Yvette

1 Brenes<sup>1</sup> in his stead. Between July 2012 and October 2012, Respondent assured Sellers that their  
2 short sale had been approved by the bank. On November 6, 2012, Sellers met with Respondent  
3 to complete and sign the remainder of the paperwork to finalize the Manor property sale. Among  
4 the documents to be signed by Sellers was the Grant Deed, which listed the buyer's name not as  
5 Ana S., but "Cal 4 Building Enterprises Inc." When Seller Kristi W. inquired about the buyer's  
6 name not being Ana S., Respondent indicated that C4BE belonged to Ana S. and that she wished  
7 for the documents to be put in the company's name rather than her name. Respondent also gave  
8 Sellers a packet of other documents for immediate signature and return to him, not to escrow,  
9 including escrow instructions and tax forms.

10 10.

11 Seller Kristi W. contacted Pacific Escrow ("Pacific") on or about November 9,  
12 2012 to obtain copies of documents relating to the Manor property transaction. Pacific provided  
13 a copy of commission instructions showing half of the six percent (6%) commission to be paid to  
14 Respondent MELGOZA as seller's agent, and the other half to Yvette Brenes as buyer's agent.  
15 Pacific also provided a copy of the purchase agreement which Sellers discovered was not the  
16 same purchase agreement they signed with Ana S. in May 2012; instead the purchase agreement  
17 provided by Pacific bore signatures and initials of Sellers that were not actually made by Sellers  
18 ("forged signatures") and listed the buyer of the Manor property as Richard Read for Cal 4  
19 Building Enterprises, LLC, not Ana S.

20 11.

21 In his response to the Disciplinary Complaint lodged by Sellers on May 8, 2013  
22 with the Downey Association of Realtors, in Case No. ETH201303, Respondent admitted that,  
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24 <sup>1</sup> The Bureau's licensing records show that Yvette M. Brenes (BRE license ID 01724482) was employed by Sarinana  
25 Inc. between January 19, 2011 and October 8, 2012; by JWilliams Staffing Inc. between October 9, 2012 and  
26 September 29, 2013; by David Sarinana on February 6, 2014; and by Sarinana Inc. from February 7, 2014 to the  
27 present.

1 “Without the W’s knowledge or consent, I signed their names and initials to a new purchase  
2 agreement with Cal4...I should have disclosed my prior interest in Cal4 before expecting Mr.  
3 and Mrs. W. to consent to such a sale.”

4 VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE

5 12.

6 In the course of the activities described in Paragraph 6, above, the conduct of  
7 Respondent MELGOZA violated the Code and constitutes cause for discipline of his real estate  
8 licenses and license rights under the provisions of Code Sections 10176(a) for substantial  
9 misrepresentation; 10176(d) for acting for parties in a transaction without the knowledge or  
10 consent of such parties; 10176(i) for engaging in fraudulent conduct and dishonest dealing;  
11 10177(d) for willful disregard of the Real Estate Law; 10177(g) for negligence; and 10177(j) for  
12 fraudulent, dishonest dealing.  
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15 COSTS

16 13.

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

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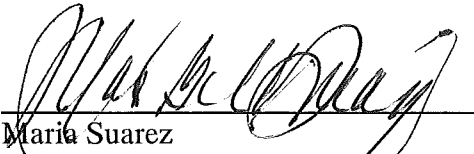
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against the licenses and license rights of Respondent RODRIGO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

7 Dated at Los Angeles, California

8 this 28<sup>th</sup> day of July, 2015.

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12 Maria Suarez  
13 Deputy Real Estate Commissioner  
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20 cc: RODRIGO MELGOZA  
21 Sarinana Inc.  
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