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FILED

OCT 19 2015

BUREAU OF REAL ESTATE

By 

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CALBRE No. H-39997 LA
12 ALPHA ONE GROUP, INC. and)
13 JONATHAN L. VIEGAS, individually and) ACCUSATION
as designated officer of Alpha One Group, Inc.,)
14 and YGNACIO ANTONIO RIVERA,)
15 Respondents.)

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of
17 California, for cause of Accusation against ALPHA ONE GROUP, INC. ("AOGI"),
18 JONATHAN L. VIEGAS ("VIEGAS"), individually and as designated officer of Alpha One
19 Group, Inc., and YGNACIO ANTONIO ("RIVERA") (collectively "Respondents"), is informed
20 and alleges as follows:

21 1.

22 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of
23 California, makes this Accusation in her official capacity.

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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 California Business and Professions Code).

8 4.

9 From January 11, 2011, through the present, Respondent AOGI has been licensed by the
10 Bureau of Real Estate ("Bureau") as a real estate corporation, License ID 01525023.

11 5.

12 From February 14, 2007, through the present, Respondent VIEGAS has been licensed by
13 the Bureau as a real estate broker, License ID 01449931. At all times relevant herein,
14 Respondent VIEGAS was licensed as a real estate broker and as the broker-officer of
15 Respondent AOGI. As the officer designated by Respondent AOGI pursuant to Section 10211
16 of the Code, Respondent VIEGAS was responsible for the supervision and control of the
17 activities conducted on behalf of Respondent AOGI by its officers and employees as necessary to
18 secure full compliance with Real Estate Law as set forth in Section 10159.2 of the Code.

19 6.

20 From January 9, 2013 Respondent RIVERA has been licensed by the Bureau as a real
21 estate salesperson, License ID 01877697. Respondent RIVERA's employing broker from
22 January 9, 2013 through the present has been VIEGAS.

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1 7.

2 Respondent AOGI is a California corporation. Respondent VIEGAS is a director
3 for AOGI. Alma Solis, an unlicensed person, is the owner and sole officer for AOGI.
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5 FIRST CAUSE OF ACCUSATION

6 (Suspended Corporate Status)

7 8.

8 On January 2, 2014, the California Franchise Tax Board suspended the corporate
9 powers, rights and privileges of Respondent AOGI pursuant to the provisions of the California
10 Revenue and Taxation Code. AOGI's corporate status remains suspended.

11 9.

12 The suspension of Respondent AOGI's corporate status is in violation of the
13 Regulation 2742, subdivision (c), and constitutes grounds to suspend or revoke Respondent
14 AOGI's corporate real estate broker license pursuant to Code section 10177, subdivisions (d)
15 and/or (f).

16 SECOND CAUSE OF ACCUSATION

17 (Failure to Disclose)

18 10.

19 There is hereby incorporated in this Second, separate and distinct Cause of Accusation,
20 all of the allegations contained in Paragraphs 1 through 9, with the same force and effect as if
21 herein fully set forth.

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11.

On January 7, 2015, the Bureau received an officer renewal application on behalf of AOGI which was certified by VIEGAS. In response to Question 8 of the officer renewal application, to wit: "IS THE CORPORATION IN GOOD STANDING WITH THE OFFICE OF THE SECRETARY OF STATE?," Respondents marked the box denoted "Yes" and failed to disclose that the corporate status of AOGI had been suspended as of January 2, 2014, as is alleged above in Paragraph 8.

12.

Respondents AOGI and VIEGAS' omissions and misrepresentations as to the suspended corporate status of AOGI, constitute the procurement of a real estate license by fraud, misrepresentation, deceit, or by making a false statement of material fact required to be revealed in said application, which constitutes cause for the suspension or revocation of the licenses and license rights of Respondents AOGI and VIEGAS pursuant to Business and Professions Code sections 498, 499, 10177(a) and/or 10177(j).

THIRD CAUSE OF ACCUSATION

(Long Beach Drive property)

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There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs 1 through 12, with the same force and effect as if herein fully set forth.

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1 14.

2 In or around May of 2013, Respondents AOGI, VIEGAS, and RIVERA represented
3 FHLMC¹, the seller of a property located at 887 Long Beach Drive, Colton, California (“Long
4 Beach Drive property”). Respondents also represented the buyer in the transaction. On or about
5 May 10, 2013, Griffin Pest Management (“Griffin”) issued to Respondents a wood destroying
6 organism (“WDO”) report of Griffin’s findings and estimate of recommended repairs including
7 fumigation for the Long Beach Drive property. The May 10, 2013 WDO report noted problems
8 with subterranean and drywood termites and fungus/dryrot, among other findings. Griffin later
9 discovered that Respondents had forwarded an altered, falsified WDO report for the Long Beach
10 property which was allegedly prepared by Griffin and dated September 9, 2013. The falsified
11 WDO report omitted the actual findings that were included in Griffin’s authentic report of
12 May 10, 2013. Griffin also learned that Respondents had forwarded a Standard Notice of Work
13 Completed and Not Completed dated August 10, 2013, allegedly prepared by Griffin. Griffin
14 had not issued the Standard Notice of Work Completed and Not Completed.

15 15.

16 The conduct, acts, and/or omissions of Respondents AOGI, VIEGAS, and RIVERA as
17 set forth in Paragraph 14, above, constitute grounds for the suspension or revocation of the
18 licenses and license rights of Respondents AOGI, VIEGAS, and RIVERA pursuant to Code
19 sections 10176(a), 10176(i), and/or 10177(d).

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23 ¹ Initials are used in place of individuals’ full names to protect their privacy. Documents containing individuals’ full
24 names will be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service
of a timely and proper request for discovery on Complainant’s counsel.

1 FOURTH CAUSE OF ACCUSATION

2 (Millsap Drive property)

3 16.

4 There is hereby incorporated in this Fourth, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 15, with the same force and effect as if
6 herein fully set forth.

7 17.

8 In or around May of 2014, Respondents AOGI, VIEGAS, and RIVERA represented
9 FNMA², the seller of a property located at 24219 Millsap Drive, Moreno Valley, California
10 (“Millsap Drive property”). The buyers were represented by agent A.R. On or about May 7,
11 2014, Griffin issued to Respondents a WDO report of Griffin’s findings and estimate of
12 recommended repairs including fumigation for the Millsap Drive property. The May 7, 2014,
13 WDO report noted problems with drywood termites and fungus/dryrot, among other findings.
14 Griffin later discovered that in response to a request from the escrow company for a termite
15 clearance, Respondent VIEGAS emailed the escrow officer and the buyer’s agent stating that
16 the, “inspector went out today and completed a new inspection of the property and it is now
17 clear. Attached is the new clear report.” Respondent RIVERA forwarded an altered, falsified
18 WDO report for the Millsap property which was allegedly prepared by Griffin and dated May 7,
19 2014. The falsified WDO report omitted the actual findings that were included in Griffin’s
20 authentic report. Respondents provided a false termite clearance on the Millsap Drive property
21 transaction which involved a Federal Housing Administration (FHA) loan. On or about May 30,

22
23 ² Initials are used in place of individuals’ full names to protect their privacy. Documents containing individuals’ full
24 names will be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service
of a timely and proper request for discovery on Complainant’s counsel.

1 2014, Griffin completed a Standard Notice of Work Completed and Not Completed for repairs
2 done to the Millsap Drive property. Griffin issued an invoice of \$2,550 for the repair work.
3 Respondent RIVERA advised the escrow company that Respondents would be paying for the
4 termite repairs outside of escrow.

5 18.

6 Escrow closed on May 30, 2014. On June 2, 2014, Respondent AOGI received a
7 commission of \$5,375.00 on the Millpas Drive transaction. AOGI's corporate status was
8 suspended on May 30, 2014.

9 19.

10 The conduct, acts and/or omissions of Respondents AOGI, VIEGAS, and RIVERA as
11 set forth in Paragraph 17, above, constitute grounds for the suspension or revocation of the
12 licenses and license rights of Respondents AOGI, VIEGAS, and RIVERA pursuant to Code
13 sections 10176(a), 10176(i), and/or 10177(d).

14 20.

15 The conduct, acts and/or omissions of Respondent AOGI as set forth in Paragraph 18,
16 above, constitute grounds for the suspension or revocation of the licenses and license rights of
17 Respondent AOGI pursuant to Code section 10177(d) for violation of Code sections 10130 and
18 10137.

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1 FIFTH CAUSE OF ACCUSATION

2 (Failure to Supervise)

3 21.

4 There is hereby incorporated in this Fifth, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 20, with the same force and effect as if
6 herein fully set forth.

7 22.

8 The conduct, acts and/or omissions of Respondent VIEGAS, in allowing AOGI and
9 RIVERA to violate the Real Estate Law, as set forth in Paragraphs 8 through 20 above,
10 constitutes a failure by Respondent VIEGAS to exercise the supervision and control over the
11 activities of Respondents AOGI and RIVERA as required by Code section 10159.2 and
12 Regulation 2725, and are cause to suspend or revoke the real estate license and license rights of
13 Respondent VIEGAS under Code sections 10177(h), 10177(d), and/or 10177(g).

14 23.

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

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