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FILED

DEC 16 2016

BUREAU OF REAL ESTATE

By *[Signature]*

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation)	No.	H-40490 LA
)		
EDWARD NICHOLAS)		<u>ACCUSATION</u>
PETERS,)		
)		
)		
Respondent.)		
_____)		

18 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
19 of California, for cause of Accusation against EDWARD NICHOLAS PETERS
20 ("Respondent"), alleges as follows:
21

22 1.

23 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
24 of California, makes this Accusation in her official capacity.

25 2.

26 At all times relevant herein Respondent was licensed and/or had license rights
27 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code,

1 hereinafter "Code") as a real estate broker. The license of Respondent will expire on July 17,
2 2018, unless renewed.

3 3.

4 At all times relevant herein respondent was engaged in the business of, acted in
5 the capacity of, advertised or assumed to act as real estate broker in the State of California,
6 within the meaning of Code Sections 10131(a). Said activities included soliciting sellers and
7 buyers for the listing, sale and purchase of real property, negotiating the purchase and sale of real
8 property on behalf of buyers and sellers, including negotiating the sale of unimproved land, for
9 compensation or in expectation of compensation.

10 4.

11 At all times mentioned herein respondent engaged in the business of a real estate
12 broker in the State of California within the meaning of Code 10131.2 including claiming,
13 demanding, charging, receiving, collecting or contracting for the collection of an advance fee,
14 within the meaning of Code Section 10026.

15 FIRST CAUSE OF ACCUSATION

16 (Advance Fee Violation)

17 5.

18 On or about October 26, 2014, Kenneth N. paid respondent an advance fee of
19 \$8,000. The advance fee was collected pursuant to the provisions of an Exclusive Right to Sell
20 Real Property agreement pertaining to the listing and sale of real property comprised of ten (10)
21 acres of unimproved land in Ventura County, California, Assessor Parcel No. 694-0-210-400.
22 Thereafter, on or about May 2, 2015, Kenneth N. requested that the listing agreement be
23 canceled and that respondent refund the advance fee inasmuch as the listed property had failed
24 to sell. On or about July 9, 2015, Kenneth N. again requested that the listing agreement be
25 canceled and the \$8,000 advance fee refunded to him. Respondent thereafter canceled the listing
26 agreement, but failed and refused to refund the \$8,000 advance fee to Kenneth N.

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1 6.

2 Respondent collected the advance fee described in Paragraph 5, above, pursuant
3 to the provisions of a written agreement which constitutes an advance fee agreement within the
4 meaning of Code Section 10026.

5 7.

6 Respondent failed to submit the written agreement referred to in Paragraph 5 and
7 6, above, to the Commissioner ten days before using it in violation of Code section 10085 and
8 section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

9 8.

10 The conduct, acts and/or omissions of respondent, as set forth above, are cause
11 for the suspension or revocation of the licenses and license rights of respondent pursuant to
12 Code Sections 10085, 10177(d) and/or 10177(g).

13 SECOND CAUSE OF ACCUSATION

14 (Violation of Code section 10176(f) – No definite date for termination)

15 9.

16 Complainant hereby incorporates by reference the allegations set forth in
17 Paragraphs 1 through 8, above.

18 10.

19 The Exclusive Right to Sell Real Property agreement described in Paragraph 5,
20 above, further failed to provide for a definite, specified *date* of final and complete termination,
21 and instead provided that the agreement would continue until the subject property was "either
22 sold/traded, or taken off the market."

23 11.

24 The conduct, acts and/or omissions of respondent, as set forth above, are cause
25 for the suspension or revocation of the licenses and license rights of respondent pursuant to
26 Code Sections 10176(f), 10177(d) and/or 10177(g).

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1 THIRD CAUSE OF ACCUSATION

2 (Misrepresentation, Fraud and/or Dishonest Dealing)

3 11.

4 Complainant hereby incorporates by reference the allegations set forth in
5 Paragraphs 1 through 11, above.

6 12.

7 In failing to refund to Kenneth N. the \$8,000 advance fee commission alleged in
8 Paragraph 5, above, respondent engaged in conduct constituting a misrepresentation and/or
9 fraud and/or dishonest dealing.

10 13.

11 The conduct, acts and/or omissions of respondent, as set forth above, are cause
12 for the suspension or revocation of the licenses and license rights of respondent pursuant to
13 Code Sections 10176(a) and/or 10176(i).

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

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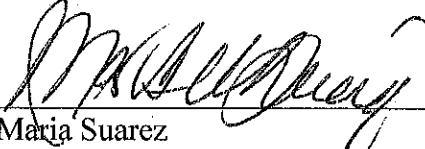
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all the licenses and license rights of Respondent EDWARD NICHOLAS PETERS
4 under the Real Estate Law, for the cost of investigation and enforcement as permitted by Code
5 section 10106, and for such other and further relief as may be proper under other applicable
6 provisions of law.

7 Dated at Los Angeles, California
8 this 14th day of December, 2016.

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11 
12 Maria Suarez
Supervising Special Investigator

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19 cc: EDWARD NICHOLAS PETERS
20 Maria Suarez
21 Sacto.