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Julie L. To, State Bar No. 219482  
Department of Real Estate  
320 West Fourth Street, Ste. 350  
Los Angeles, California 90013  
  
Telephone: (213) 576-6982  
(Direct) (213) 576-6916

**FILED**  
OCT 18 2013  
DEPT. OF REAL ESTATE  
By *April Sanner*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*\*\*

In the Matter of the Accusation of	)	No. H-41188 LA
	)	
REULTRA INC;	)	<u>ACCUSATION</u>
	)	
ALBANESE REALTY INC; and	)	
	)	
DAVID NICOLAS ALBANESE,	)	
individually, as former designated officer of	)	
Albanese Realty Inc, and as current	)	
designated officer of ReUltra Inc,	)	
	)	
Respondents.	)	

The Complainant, a Supervising Special Investigator of the State of California,  
for cause of Accusation against Respondents REULTRA INC, ALBANESE REALTY INC, and  
DAVID NICOLAS ALBANESE (collectively, "Respondents"), is informed and alleges as  
follows:  
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DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese



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**LICENSE HISTORY**

**Respondent REULTRA INC ("RI")**

3.

REULTRA INC ("RI") 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 broker (corporation) ("REC"), Department<sup>1</sup> of Real Estate ("Department" or "DRE") license ID 01956636. RI's current DRE main and mailing address of record are the same: 135 Magnolia Ave., Oxnard, CA 93030. According to DRE records to date, RI's DRE addresses of record history from 2015 to the present is as follows:

License Mailing	License Main	Address	Start Date	End Date
x		135 Magnolia Ave., Oxnard	6-8-18	(present)
x		1901 Holser Walk, Ste. 310, Oxnard	12-24-15	6-7-18
x		657 S. A St., Oxnard	6-24-14	12-23-15
	x	135 Magnolia Ave., Oxnard	9-27-18	(present)
	x	135 Magnolia Ave., Oxnard	5-15-18	7-22-18
	x	1901 Holser Walk, Ste. 310, Oxnard	10-20-15	5-14-18
	x	657 S. A St., Oxnard	6-24-14	10-19-15

4.

RI was first licensed as a real estate corporation ("REC") on or about June 24, 2014.

<sup>1</sup> Between July 1, 2013 and June 30, 2018, the California Department of Real Estate operated as the California Bureau of Real Estate.

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5.

According to DRE records to date, RI has: no DBAs; no branch offices; and three (3) real estate salespersons ("RES") employed under its DRE license: Flor Iris Aguilar De Santiago (license ID 02008218); Lucy M. Robinson (license ID 01001001); and Maria Rodarte (license ID 01730058).

6.

According to the DRE records to date, real estate broker ("REB") DAVID NICOLAS ALBANESE is the designated officer ("D.O.") of record of RI until his officer expiration date of June 23, 2022.

7.

According to DRE records to date, RI's DRE license will expire on June 23, 2022.

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1 Respondent ALBANESE REALTY INC ("ARI")

2 8.

3 ALBANESE REALTY INC ("ARI") is presently licensed and/or has license  
4 rights under the Real Estate Law, Part 1 of Division 4 of the Code as a REC, DRE license ID  
5 01868856. ARI's license expired on July 22, 2017. Pursuant to Code Section 10201  
6 Respondent retains renewal rights. Pursuant to Section 10103 the Department retains  
7 jurisdiction.

8 9.

9 ARI's DRE mailing address of record at expiration was 1901 Holser Walk, Ste.  
10 310, Oxnard, CA 93032. ARI had no DRE main address of record at expiration. According to  
11 DRE records to date, ARI's DRE addresses of record history from 2015 to the present is as  
12 follows:

13 License Mailing	License Main	Address	Start Date	End Date
14 x		1901 Holser Walk, Ste. 310, Oxnard	12-16-15	(present)
15 x		657 South A St., Oxnard	8-13-13	12-15-15
16 x		555 South A St., Ste. 155, Oxnard	11-23-09	8-12-13
17 x		141 S. A St., Ste. 201, Oxnard	7-23-09	11-22-09
18	x	1901 Holser Walk, Ste. 310, Oxnard	11-30-15	7-22-17
19	x	657 South A St., Oxnard	7-23-13	11-29-15

20  
21 10.

22 ARI was first licensed as a real estate corporation ("REC") on or about July 23,  
23 2009.

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26 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

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11.

According to DRE records to date, ARI had the following DBAs: AR Realty, active from July 23, 2009 to November 29, 2015; Cal-Properties, active from July 23, 2009 to July 23, 2017; E-Realty Virtual Real Estate Agents, active from February 25, 2010 to November 29, 2015; and First Realty Trust, active from July 25, 2011 to November 29, 2015. According to DRE records to date, ARI had no branch offices; and no real estate salespersons ("RES") employed under its DRE license.

12.

According to the DRE records to date, REB DAVID NICOLAS ALBANESE was the D.O. of record of ARI until his officer expiration date of July 23, 2017.

**Respondent DAVID NICOLAS ALBANESE ("ALBANESE")**

13.

DAVID NICOLAS ALBANESE ("ALBANESE") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a REB, DRE license ID 01781946. ALBANESE's current DRE main and mailing address of record are the same: 135 Magnolia Ave., Suite 17, Oxnard, CA 93030. According to DRE records to date, ALBANESE's DRE addresses of record history from 2015 to the present is as follows:

License Mailing	License Main	Address	Start Date	End Date
x		135 Magnolia Ave. Suite 17, Oxnard	9-25-18	(present)
x		6700 Fallbrook Avenue Suite 100, West Hills	9-6-17	9-24-18
x		6700 Fallbrook Avenue Suite 100, West Hills	9-5-17	9-5-17
x		1901 Holser Walk, #310, Oxnard	5-19-15	9-4-17
x		657 South A Street, Oxnard	1-6-13	5-18-15
	x	135 Magnolia Ave. Suite 17, Oxnard	9-25-18	(present)

DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1	x	6700 Fallbrook Ave., Suite 100, West Hills	9-5-17	9-24-18
2	x	6700 Fallbrook Ave., Suite 101B, West Hills	8-18-17	9-4-17
3	x	1901 Holser Walk, Suite 310, Oxnard	4-13-16	8-17-17
4	x	300 Esplanade Dr., Ste. 929, Oxnard	3-7-16	4-12-16
5	x	1901 Holser Walk, Suite 310, Oxnard	10-1-15	3-6-16
6	x	657 S A Street, Ste. A Oxnard	3-3-12	9-30-15

14.

ALBANESE was first licensed as a REB on or about April 15, 2009. Prior to his licensure as a REB, ALBANESE was licensed as a RES on or about November 30, 2006.

15.

According to DRE records to date, ALBANESE has: no DBAs; no branch offices; and no RES employed under its DRE license.

16.

According to the DRE records to date, ALBANESE is the current D.O. of record of RI until June 23, 2022.

17.

According to DRE records to date, ALBANESE's DRE license will expire on April 14, 2021.

Jose Aguilar Barragan

18.

Jose Aguilar Barragan ("Barragan") is licensed by the DRE as a RES, DRE License ID 01513481. From March 28, 2016 until December 4, 2017 and from December 7,

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DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1 2017 until January 22, 2018, ALBANESE was Barragan's employing REB of record. From  
2 January 23, 2018 to May 13, 2018, RI was Barragan's employing REB of record.

3 Lucy M. Robinson

4 19.

5 Lucy M. Robinson ("Robinson") is licensed by the DRE as a RES, DRE License  
6 ID 01001001. From April 3, 2018 to July 22, 2018 and from October 9, 2018 to the present, RI  
7 was and is Robinson's employing REB of record. From April 28, 2015 to August 17, 2017 and  
8 from August 18, 2017 to April 2, 2018, ALBANESE was Robinson's employing REB of record.

9 **FACTS DISCOVERED BY THE DEPARTMENT**  
10 **& CORRESPONDING CAUSES OF ACTION**

11 **First Cause of Action: Corporate Standing**

12 **(RI, ARI)**

13 **(Regulation 2742(c))**

14 20.

15 **REULTRA INC**

16 On October 30, 2017, the California Secretary of State suspended the powers,  
17 rights, and privileges of RI, California Corporate Number C3648088, pursuant to the California  
18 Corporations Code. The corporate powers, rights, and privileges of RI remain suspended to date.

19 21.

20 **REULTRA INC**

21 On April 2, 2018, the California Franchise Tax Board suspended the powers,  
22 rights, and privileges of RI, California Corporate Number C3648088, pursuant to the California  
23 Revenue and Taxation Code. The corporate powers, rights, and privileges of RI remain  
24 suspended to date.



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22.

ALBANESE REALTY INC

On February 2, 2015, the California Franchise Tax Board suspended the powers, rights, and privileges of ARI, California Corporate Number 3199709, pursuant to the California Revenue and Taxation Code. The corporate powers, rights, and privileges of ARI remain suspended to date.

23.

The conduct of Respondent RI, as set forth above in Paragraphs 20 and 21 are in violation of **Regulation 2742(c)** and is cause for the suspension or revocation of the license and license rights of **Respondent RI**, pursuant to **Code Sections 10177(d) and (f)**. The conduct of Respondent ARI, as set forth above in Paragraphs 22, is in violation of **Regulation 2742(c)** and is cause for the suspension or revocation of the license and license rights of **Respondent ARI**, pursuant to **Code Sections 10177(d) and (f)**.

**Second & Third Causes of Action:**

**Failure to Maintain A Definite Place of Business, Unlicensed Branch Offices**

**(RI, ARI, ALBANESE)**

**(Code Section 10162 & Regulation 2715 and Code Section 10163)**

24.

**REULTRA INC & ALBANESE REALTY INC**

On or about March 28, 2018, DRE Special Investigation William Pak ("SI Pak") completed a field investigation of RI and ARI's main office address of record at 1901 Holser Walk Suite 310, Oxnard, CA 93036 ("Holser address"). SI Pak observed the Holser address to be locked and vacant. SI Pak observed no furniture was viewable from the windows and no signage was present. Upon visiting the adjacent suite (Suite 315), SI Pak spoke with a

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DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1 representative of the Suite 315 occupant, Occupational Medical Center, who stated that the  
2 occupant of Suite 310 was a real estate business that moved sometime in the last year, and  
3 confirmed that the property management of the Holser address building was Hoffman, Vance &  
4 Worthington ("HVW"). According to a Declaration (RE 518A) signed under penalty of perjury  
5 on March 29, 2018 by HVW representative Alyssa N. Gutierrez ("Gutierrez"): (1) RI did not and  
6 has never leased space at the Holser address, and (2) ALBANESE, as an individual, did lease  
7 space at the Holser address from January 1, 2015 to March 31, 2018. Gutierrez stated that in  
8 September 2017, ALBANESE informed HVW that he had vacated the premises, ceased to make  
9 payments on his balance owing to HVW, and ceased returning messages from HVW beginning  
10 on or about November 21, 2017.

11 25.

12 ALBANESE

13 On or about March 28, 2018, SI Pak completed a field investigation of  
14 ALBANESE's main office address of record at 6700 Fallbrook Avenue, Suite 100, West Hills,  
15 CA 91307 ("Fallbrook address"). SI Pak observed the Fallbrook address was occupied by  
16 "Fallbrook Executive Suites." According to a Declaration (RE518A) signed under penalty of  
17 perjury on April 11, 2018 by LBPM Commercial Property Manager Judy Lopata ("Lopata"): (1)  
18 ALBANESE is not currently operating at the Fallbrook address; (2) the last lease on record  
19 under ALBANESE's name was for Capital Escrow dated March 16, 2016 and signed by  
20 ALBANESE; (3) ALBANESE signed a new lease amendment on September 19, 2017 to  
21 change the Lessee's name from Capital Escrow to ALBANESE and to extend the lease term to  
22 April 14, 2020; and (4) although Capital Escrow moved out of the premises during  
23 Thanksgiving weekend in 2017, ALBANESE never moved in or contacted LBPM after that  
24 time. According to Lopata, the suite remains vacant.

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27 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1 26.

2 Cal Properties/ ALBANESE REALTY INC

3 On March 23, 2018, SI Pak conducted a Google Maps search of 137 W. 2<sup>nd</sup>  
4 Street, Oxnard, California 93030 ("2<sup>nd</sup> Street address"), an address provided by a member of the  
5 public as the known address for Cal Properties/ ARI. SI Pak observed from the Google Street  
6 View image that the Oxnard address advertised real estate services under Cal Properties as of  
7 November 2017 (date of image capture). On March 28, 2018, SI Pak completed a field  
8 investigation of the 2<sup>nd</sup> Street address. SI Pak observed a sign for "Cal Properties" in the front  
9 window which did not bear a DRE license number. Upon entering the premises, SI Pak  
10 encountered an individual who identified herself as Flor Aguilar ("Aguilar") and stated that Cal  
11 Properties had moved to the Holser address, but did not state when the move occurred.  
12 According to Aguilar, ALBANESE was the landlord for the location.

13 26.

14 According to transaction files provided by ALBANESE to the DRE, ARI, RI  
15 and/or ALBANESE operated under the 2<sup>nd</sup> Street address between September 2017 and March  
16 2018.

17 28.

18 The conduct of Respondents RI and ARI, as set forth above in Paragraph 24, is in  
19 violation of **Code Section 10162 and Regulation 2715**, and are cause for the suspension or  
20 revocation of the license and license rights of **Respondents RI and ARI**, pursuant to **Code**  
21 **Sections 10177(d) and (g)**.

22 29.

23 The conduct of Respondent ALBANESE, as set forth above in Paragraph 25 is in  
24 violation of **Code Section 10162 and Regulation 2715**, and is cause for the suspension or  
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26 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese  
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1 revocation of the license and license rights of Respondent ALBANESE, pursuant to Code  
2 Sections 10177(d) and (g).

3 30.

4 The conduct of Respondents RI, ARI, and ALBANESE as set forth above in  
5 Paragraphs 26 and 27, are in violation of Code Section 10163, and is cause for the suspension  
6 or revocation of the license and license rights of Respondent RI, Respondent ARI, and  
7 Respondent ALBANESE, pursuant to Code Sections 10177(d) and (g).

8 **Fourth & Fifth Causes of Action:**

9 **Fictitious Name, Corporate Standing**

10 **(ARI)**

11 **(Code Section 10159.5 & Regulation 2742(c))**

12 31.

13 On or about August 6, 2015, Robinson, on behalf of REB listing firm ARI, signed  
14 a Residential Listing Agreement ("RLA") as the listing agent to list property located at 1421  
15 South Ventura Road in Oxnard ("South Ventura property"). The RLA listed Robinson's DRE  
16 license ID (01001001) as ARI's, and listed ARI's address as the Holser address. As of the date  
17 of the South Ventura RLA, ARI's mailing and main DRE address of record was 657 South A St.,  
18 Oxnard. The Holser address was not registered as ARI's DRE main address of record until  
19 November 30, 2015; the Holser address was not registered as ARI's DRE mailing address of  
20 record until December 16, 2015.

21 32.

22 On or about August 31, 2015, the Seller of the South Ventura property received  
23 and accepted a Residential Purchase Agreement ("RPA") which Robinson signed as the listing  
24 agent for REB listing firm "Albanese Realty" and listed ARI's DRE license ID (01868856), but  
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26 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese  
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1 did not list any address for ARI.

2 33.

3 On or about September 4, 2015, Robinson signed commission instructions that  
4 instructed escrow to disburse commission in the amount of \$9,750 to "Albanese Realty" to the  
5 Holser address. The Holser address was not registered as ARI's DRE main address of record  
6 until November 30, 2015; the Holser address was not registered as ARI's DRE mailing address  
7 of record until December 16, 2015.

8 34.

9 On or about October 21, 2015, escrow closed on the South Ventura property and  
10 escrow disbursed commission in the amount of \$9,750 to "Albanese Realty." (As of February 2,  
11 2015, the powers, rights, and privileges of ARI, California Corporate Number 3199709, were  
12 suspended by the California Franchise Tax Board, pursuant to the California Revenue and  
13 Taxation Code.)

14 35.

15 The conduct of Respondent ARI, as set forth above in Paragraph 34, is in  
16 violation of **Code Section 10159.5 and Regulation 2742(c)**, and is cause for the suspension or  
17 revocation of the license and license rights of **Respondent ARI**, pursuant to **Code Sections**  
18 **10177(d) and (f)**.

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1 **Sixth & Seventh Causes of Action:**

2 **Corporate Standing, Pest Control Documentation**

3 **(ARI)**

4 **(Regulations 2742(c) and 2905)**

5 36.

6 On or about January 11, 2016, ALBANESE, on behalf of REB listing firm ARI  
7 dba Cal Properties, signed an RLA as the listing agent to list property located at 928 Paseo  
8 Brisas Linda in Oxnard ("Paseo property"). The RLA failed to list ARI's DRE license ID.

9 37.

10 On or about January 13, 2016, the Seller of the Paseo property received and  
11 accepted a Residential Purchase Agreement ("RPA") which ALBANESE signed as a dual agent  
12 for REB listing firm ARI.

13 38.

14 On or about February 8, 2016, ALBANESE signed commission instructions that  
15 instructed escrow to disburse commission in the amount of \$12,300 to ARI.

16 39.

17 On or about March 21, 2016, escrow closed on the Paseo property and escrow  
18 disbursed commission in the amount of \$12,300 to ARI. (As of February 2, 2015, the powers,  
19 rights, and privileges of ARI, California Corporate Number 3199709, were suspended by the  
20 California Franchise Tax Board, pursuant to the California Revenue and Taxation Code.)

21 40.

22 On April 17, 2018, a Subpoena Duces Tecum ("SDT") was served on  
23 ALBANESE for production of the Paseo property transaction file on May 8, 2018. The Paseo  
24 transaction file produced by ALBANESE failed to contain documentation showing that a pest  
25

1 inspection report was delivered to the buyer. Nor did the Paseo transaction file contain  
2 documentation showing the ALBANESE advised the buyer of their rights under Civil Code  
3 1099<sup>2</sup>.

4 41.

5 The conduct of Respondent ARI, as set forth above in Paragraphs 36 through 39,  
6 is in violation of **Code Section 10159.5 and Regulation 2742(c)**, and is cause for the  
7 suspension or revocation of the license and license rights of **Respondent ARI**, pursuant to **Code**  
8 **Sections 10177(d) and (f)**. The conduct of Respondent ARI, as set forth above in Paragraph 40,  
9 is in violation of **Regulation 2905**, and is cause for the suspension or revocation of the license  
10 and license rights of **Respondent ARI**, pursuant to **Code Sections 10177(d) and (g)**.

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14 <sup>2</sup> California Civil Code Section 1099: "As soon as practical before transfer of title of any real property or the  
15 execution of a real property sales contract as defined in (a) Section 2985, the transferor, fee owner, or his or  
16 her agent, shall deliver to the transferee a copy of a structural pest control inspection report prepared pursuant  
17 to Section 8516 of the Business and Professions Code upon which any certification in accordance with Section  
18 8519 of the Business and Professions Code may be made, provided that certification or preparation of a report is a  
19 condition of the contract effecting that transfer, or is a requirement imposed as a condition of financing such  
20 transfer.

21 If a notice of work completed as contemplated by (b) Section 8518 of the Business and Professions Code,  
22 indicating action by a structural pest control licensee in response to an inspection report delivered or to be  
23 delivered under provisions of subdivision (a), or a certification pursuant to Section 8519 of the Business and  
24 Professions Code, has been received by a transferor or his or her agent before transfer of title or execution of a real  
25 property sales contract as defined in Section 2985, it shall be furnished to the transferee as soon as practical before  
26 transfer of title or the execution of such real property sales contract.

27 (c) Delivery to a transferee as used in this section means delivery in person or by mail to the transferee himself  
or herself or any person authorized to act for him or her in the transaction or to such additional transferees who  
have requested such delivery from the transferor or his or her For the purposes of this section, delivery to either  
agent in writing. spouse shall be deemed delivery to a transferee, unless the contract affecting the transfer states  
otherwise.

(d) No transfer of title of real property shall be invalidated solely because of the failure of any person to comply  
with the provisions of this section unless such failure is an act or omission which would be a valid ground for  
rescission of such transfer in the absence of this section.

DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

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2 **Eighth & Ninth Causes of Action:**

3 **Fictitious Name; Corporate Standing**

4 **(ARI)**

5 **(Code Section 10159.5 and Regulation 2742(c))**

6 42.

7 On or about May 12, 2016, ALBANESE, on behalf of REB listing firm ARI dba  
8 "Albanese Realty," signed an RLA as the listing agent to list property located at 1970 Arizona  
9 Drive #43 in Ventura ("Arizona property").

10 43.

11 On or about June 2, 2016, the Seller of the Arizona property received and  
12 accepted a Manufactured Home Purchase Agreement ("MHPA") which ALBANESE signed as  
13 the listing agent for REB listing firm ARI dba Cal Properties. On or about June 7, 2016, a seller  
14 counter offer was accepted by the buyer for the same price as originally offered on June 2, 2016.

15 44.

16 On or about June 8, 2016, ALBANESE signed commission instructions that  
17 instructed escrow to disburse commission in the amount of \$3,975 to ARI.

18 45.

19 On or about July 11, 2016, escrow closed on the Arizona property and escrow  
20 disbursed commission in the amount of \$3,975 to ARI. (As of February 2, 2015, the powers,  
21 rights, and privileges of ARI, California Corporate Number 3199709, were suspended by the  
22 California Franchise Tax Board, pursuant to the California Revenue and Taxation Code.)

23 46.

24 The conduct of Respondent ARI, as set forth above in Paragraph 42, is in  
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DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese



1 violation of **Code Section 10159.5**, and is cause for the suspension or revocation of the license  
2 and license rights of **Respondent ARI**, pursuant to **Code Sections 10177(d) and (g)**. The  
3 conduct of Respondent ARI, as set forth above in Paragraphs 43 through 45, is in violation of  
4 **Regulation 2742(c)**, and is cause for the suspension or revocation of the license and license  
5 rights of **Respondent ARI**, pursuant to **Code Sections 10177(d) and (f)**.

6 **Tenth & Eleventh Causes of Action:**

7 **Branch Office; Corporate Standing**

8 **(ARI)**

9 **(Code Section 10163 and Regulation 2742(c))**

10 47.

11 On or about January 17, 2017, ALBANESE, on behalf of REB listing firm ARI  
12 dba Cal Properties signed a RLA as the listing agent to list property located at 1103 Deodar  
13 Avenue in Oxnard ("Deodar property").

14 48.

15 On or about July 6, 2017, the Seller of the Deodar property received and accepted  
16 an RPA which ALBANESE signed as the listing agent for REB listing firm ARI dba Cal  
17 Properties. The RPA listed ARI's DRE license ID as 01220383<sup>3</sup> and listed its address as 857 S.  
18 A Street, Oxnard, CA 93030 ("A Street address").

19 49.

20 On or about July 17, 2017, ALBANESE signed commission instructions that  
21 instructed escrow to disburse commission in the amount of \$14,350 to ARI dba Cal Properties to  
22 the A Street address.

23  
24 <sup>3</sup> According to the DRE's records, license ID 01220383 belongs to real estate corporation RGC Services, Inc.,  
25 licensed since 1997.

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50.

On or about August 22, 2017, escrow closed on the Deodar property and escrow disbursed commission in the amount of \$14,350 to ARI dba Cal Properties. (As of February 2, 2015, the powers, rights, and privileges of ARI, California Corporate Number 3199709, were suspended by the California Franchise Tax Board, pursuant to the California Revenue and Taxation Code.)

51.

The conduct of Respondent ARI, as set forth above in Paragraphs 48 and 49, is in violation of **Code Section 10163**, and is cause for the suspension or revocation of the license and license rights of **Respondent ARI**, pursuant to **Code Sections 10177(d) and (g)**. The conduct of Respondent ARI, as set forth above in Paragraphs 48 through 50, is in violation of **Regulation 2742(c)**, and is cause for the suspension or revocation of the license and license rights of **Respondent ARI**, pursuant to **Code Sections 10176(a), 10177(d), and (f)**.

**Twelfth & Thirteenth Causes of Action:**

**Fictitious Name; Branch Office; and Pest Control Documentation**

**(RI, ARI, and ALBANESE)**

**(Code Sections 10159.5 and 10163, and Regulation 2905)**

52.

On or about September 30, 2017, RES Maria Rodarte ("Rodarte"), on behalf of REB listing firm RI dba "ReUltra Real Estate Market Innovators" signed an RLA as the listing agent to list property located at 3014 S F Street in Oxnard ("S F Street property"). The RLA listed RI's DRE license ID 01956636 and listed its office address as 300 Esplanade Drive #903, Oxnard, CA 93036 ("Esplanade address"). At no time was "ReUltra Real Estate Market

1 Innovators" a registered DBA under RI's DRE license. At no time was the Esplanade address  
2 registered as RI's DRE main or mailing address.

3 53.

4 On or about October 16, 2017, the Seller of the S F Street property received and  
5 accepted a RPA which Rodarte signed as the listing agent for REB listing firm "Albanese  
6 Realty." The RPA listed ALBANESE's REB license ID 01781946 and ALBANESE's DRE  
7 mailing address of record at the Fallbrook address.

8 54.

9 On or about November 16, 2017, ALBANESE signed commission instructions  
10 that instructed escrow to disburse commission in the amounts of \$1,009 to ALBANESE and  
11 \$9,988.50 to Rodarte. The instructions directed escrow to send "Broker's checks, Agent's  
12 checks (unless wired), HUD1 (with commission paid shown) and closing statements" to  
13 ALBANESE at 137 W 2<sup>nd</sup> Street, Oxnard, CA 93030 Attn: Broker/Office Manager." At no time  
14 was the 137 W 2<sup>nd</sup> Street address in Oxnard ("2<sup>nd</sup> Street address") registered as the DRE main or  
15 mailing address for ALBANESE, ARI or RI; nor was said address ever a registered branch office  
16 under ALBANESE, ARI or RI's DRE license.

17 55.

18 On or about November 17, 2017, escrow closed on the S F Street property and  
19 escrow disbursed commission in the amount of \$10,997.50 (comprised of \$1,009 to  
20 ALBANESE and \$9,988.50 to Rodarte) to "Albanese Realty."

21 56.

22 On April 17, 2018, a SDT was served on ALBANESE for production of the S F  
23 Street property transaction file on May 8, 2018. The S F Street transaction file produced by  
24 ALBANESE failed to contain documentation showing that a pest inspection report was delivered  
25

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26 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese  
27

1 to the buyer. Nor did the Paseo transaction file contain documentation showing the ALBANESE  
2 advised the buyer of their rights under Civil Code 1099.

3 57.

4 The conduct of Respondents RI and ARI, and ALBANESE as set forth above in  
5 Paragraphs 52 through 55, is in violation of **Code Sections 10159.5 and 10163**, and is cause for  
6 the suspension or revocation of the license and license rights of **Respondents RI, ARI, and**  
7 **ALBANESE**, pursuant to **Code Sections 10177(d) and (g)**. The conduct of Respondents RI,  
8 ARI, and ALBANESE as set forth above in Paragraph 56, is in violation of **Regulation 2905**  
9 and is cause for the suspension or revocation of the license and license rights of **Respondents**  
10 **RI, ARI, and ALBANESE** pursuant to **Code Sections 10177(d) and (f)**.

11 **Fourteenth Cause of Action:**

12 **Fictitious Name; Branch Office; and Unlicensed Activity**

13 **(ARI and ALBANESE)**

14 **(Code Sections 10159.5, 10163, 10130, and 10137)**

15 58.

16 On or about April 25, 2017, RES Barragan, on behalf of REB listing firm Cal-  
17 Properties signed an RLA as the listing agent to list property located at 30529 Yosemite Drive in  
18 Castaic ("Yosemite property"). The RLA listed ALBANESE's REB license ID 01781946.

19 59.

20 On or about November 16, 2017, the Seller of the S F Yosemite property received  
21 and accepted an RPA and Buyer Counter Offer which Barragan signed as the listing agent for  
22 REB listing firm Cal-Properties. The RPA listed ALBANESE's REB license ID 01781946 and  
23 listed the 2<sup>nd</sup> Street address. At no time was the 2<sup>nd</sup> Street address registered as RI, ARI or Cal-  
24 Properties' DRE main or mailing address. Moreover, Cal-Properties ceased to be an active DBA

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26  
27 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1 of ARI on or about July 23, 2017, as ARI's DRE license expired on or about July 22, 2017.

2 60.

3 On or about November 27, 2017, Barragan signed commission instructions that  
4 instructed escrow to disburse commission in the amount of \$4,470 to Cal-Properties at the 2<sup>nd</sup>  
5 Street address. At no time was the 2<sup>nd</sup> Street address registered as ARI or Cal-Properties' DRE  
6 main or mailing address. Moreover, Cal-Properties ceased to be an active DBA of ARI on or  
7 about July 23, 2017, as ARI's DRE license expired on or about July 22, 2017.

8 61.

9 On or about December 22, 2017, ALBANESE signed a Commission  
10 Disbursement Authorization ("CDA") that stated, "I David Albanese [sic] the broker of record  
11 for Albanese Realty Inc. Hereby [sic] authorize the escrow holder to disburse the real estate  
12 commissions due..." and listed below his signature, the DRE license ID of ARI. ARI's DRE  
13 license expired on or about July 22, 2017.

14 62.

15 On or about December 19, 2017, escrow closed on the Yosemite property and  
16 escrow disbursed commission in the amount of \$4,470 to Cal Properties in the following  
17 amounts:

- 18 1. \$500 to ALBANESE as commission;
- 19 2. \$3,450 to Barragan as commission;
- 20 3. \$420 payment to Home Guard Home Warranty, Inc.;
- 21 4. \$100 credit for "broker window out of agent commission;" and
- 22 5. \$595 to Cal Properties for "Document Processing Fee."

23 ARI's DRE license expired on or about July 22, 2017.

The conduct of Respondents ARI and ALBANESE as set forth above in Paragraph 58, is in violation of **Code Section 10159.5**, and is cause for the suspension or revocation of the license and license rights of **Respondents ARI and ALBANESE**, pursuant to **Code Sections 10177(d) and (g)**. The conduct of Respondents ARI and ALBANESE as set forth above in Paragraphs 59 and 60, is in violation of **Code Sections 10159.5 and 10163**, and is cause for the suspension or revocation of the license and license rights of **Respondents ARI and ALBANESE** pursuant to **Code Sections 10177(d) and (f)**. The conduct of Respondents ARI and ALBANESE as set forth above in Paragraphs 61 and 62, is in violation of **Code Sections 10130 and 10137**, and is cause for the suspension or revocation of the license and license rights of **Respondents ARI and ALBANESE** pursuant to **Code Sections 10176(a), 10176(c), 10177(d) and (f)**.

**Fifteenth Cause of Action:**

**Corporate Standing; Branch Office**

**(RI and ARI)**

**(Regulation 2742(c) and Code Section 10163)**

On or about November 7, 2017, Barragan, on behalf of REB listing firm RI signed an Additional Broker Acknowledgement (“ABA”) addendum to the RLA for the property located at 5661 E Avenue T in Palmdale (“East Avenue property”). The ABA stated that “Co-Listing Agent Jose Barragan will list the property with Ventura County Association of Realtors and its reciprocal MLS agencies in California. Brokers will split 2.5% com. [sic]” The footer of the ABA listed, “CAL Properties, 137 W. 2<sup>nd</sup> Street, Oxnard. At no time was the 2<sup>nd</sup> Street address registered as RI’s DRE main or mailing address. Moreover, Cal-Properties ceased to be

1 an active DBA of ARI on or about July 23, 2017, when ARI's DRE license expired.  
2 Additionally, both ARI and RI's corporate powers, right and privileges were already suspended  
3 by the date of the ABA: ARI was suspended by the California Franchise Tax Board on February  
4 2, 2015 and RI was suspended by the California Secretary of State on October 30, 2017.

5 65.

6 The conduct of Respondents RI and ARI as set forth above in Paragraph 64, is in  
7 violation of **Code Section 10163 and Regulation 2742(c)**, and is cause for the suspension or  
8 revocation of the license and license rights of **Respondents RI and ARI**, pursuant to **Code**  
9 **Sections 10176(a), 10176(c), 10177(d) and (g)**.

10 **Sixteenth Cause of Action:**

11 **Unlicensed Activity; Fictitious Name**

12 **(ARI and ALBANESE)**

13 **(Code Sections 10130 and 10159.5)**

14 66.

15 On or about December 14, 2017, an RPA for property located at 3132 Alice Drive  
16 in Newbury Park ("Alice property") was prepared and presented by Robinson to the Seller, who  
17 accepted it on or about December 16, 2017. The RPA listed Robinson's employing REB as Cal  
18 Properties with ARI's DRE license ID 01868856, but failed to list an office address. The RPA  
19 footer, however, listed Robinson's address as the Holser address. Cal-Properties ceased to be an  
20 active DBA of ARI on or about July 23, 2017, when ARI's DRE license expired. Additionally,  
21 ARI's corporate powers, right and privileges were already suspended by the date of the RPA:  
22 ARI was suspended by the California Franchise Tax Board on February 2, 2015.

23 ///

24 ///

1 67.

2 On or about an unknown date, the last page of the RPA was altered via DocuSign  
3 by "DA" to DRE license ID 01781946; this license ID belongs to ALBANESE.

4 68.

5 On or about December 29, 2017, ALBANESE signed a Commission  
6 Disbursement Authorization that stated, "I David Albanese [sic] the broker of record for  
7 Albanese Realty Inc. Hereby [sic] authorize the escrow holder to disburse the real estate  
8 commissions due..." and listed below his signature, his own DRE license ID. ARI's DRE  
9 license expired on or about July 22, 2017. Additionally, ARI's corporate powers, right and  
10 privileges were already suspended by the date of this CDA: ARI was suspended by the  
11 California Franchise Tax Board on February 2, 2015.

12 69.

13 The conduct of Respondents ARI and ALBANESE as set forth above in  
14 Paragraphs 66 through 68, is in violation of **Code Sections 10130 and 10159.5**, and is cause  
15 for the suspension or revocation of the license and license rights of **Respondents ARI and**  
16 **ALBANESE**, pursuant to **Code Sections 10176(a), 10176(c), 10177(d) and (g)**.

17 **Seventeenth Cause of Action:**

18 **Unlicensed Activity; Broker Supervision**

19 **(ARI and ALBANESE)**

20 **(Code Sections 10130, 10142, and 10159.2)**

21 70.

22 On or about August 28, 2017, Ramesh T. ("R.T.") viewed an advertisement on  
23 [www.bizbuysell.com](http://www.bizbuysell.com) ("BBS") for property located at 1821 Placer Street in Redding ("Placer  
24 property"). Upon signing a BBS Confidentiality Agreement, R.T. discovered that Robinson was  
25

26  
27 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese



1 employed by Cal Properties, DRE license ID 01868856. On or about September 17, 2017,  
2 Robinson prepared on behalf of R.T. a Commercial Property Purchase Agreement ("CPA") for  
3 the Placer property. The CPA listed Robinson's employing REB (Selling Firm) as Cal-  
4 Properties with ARI's DRE license ID 01868856, and the 2<sup>nd</sup> Street address as its office address.  
5 The CPA footer, however, listed Robinson's Cal-Properties address as the Holser address. Cal-  
6 Properties ceased to be an active DBA of ARI on or about July 23, 2017, when ARI's DRE  
7 license expired. Additionally, ARI's corporate powers, right and privileges were already  
8 suspended by the date of the CPA, as ARI was suspended by the California Franchise Tax Board  
9 on February 2, 2015. According to ALBANESE at his April 17, 2018 interview with DRE SI  
10 Pak, he had no knowledge of Robinson posting Cal Properties listings on BBS.

11 71.

12 On or about October 14, 2017, R.T. was directed by Robinson to sign and RLA  
13 for property located at 5625 Weathermaker Avenue in Fresno ("Weathermaker property").  
14 Robinson failed to provide a copy to R.T.; the only copy R.T. had was the photos he took of the  
15 RLA at the time he signed. The listing price field was left blank and subsequently filled in by  
16 Robinson at the time of her signature. The RLA listed the REB listing firm as Cal-Properties  
17 with ARI's DRE license ID 01868856 and listed the 2<sup>nd</sup> Street address as its office address. At  
18 no time was the 2<sup>nd</sup> Street address registered as ARI's DRE main or mailing address.  
19 Additionally, ARI's corporate powers, right and privileges were already suspended by the date  
20 of this CDA: ARI was suspended by the California Franchise Tax Board on February 2, 2015.

21 72.

22 On or about January 2, 2018, the Robinson received an RPA on behalf of R.T. for  
23 the Weathermaker property. On or about January 3, 2018, Robinson prepared an SCO for the  
24 purchase price to be \$255,000 and emailed the RPA and SCO for R.T. to sign. The footer of the  
25

1 SCO listed the REB listing firm as Cal-Properties with the 2<sup>nd</sup> Street address; Robinson's name  
2 was handwritten into the footer of the SCO. ARI's corporate powers, right and privileges were  
3 already suspended by the date of this SCO: ARI was suspended by the California Franchise Tax  
4 Board on February 2, 2015.

5 73.

6 On or about January 9, 2018, R.T. contacted ALBANESE via text at (805) 947-  
7 6370 and requested cancellation of his Weathermaker property RLA. The Weathermaker listing  
8 was cancelled on or about January 24, 2018.

9 74.

10 The conduct of Respondents ARI and ALBANESE as set forth above in  
11 Paragraphs 70 through 73, is in violation of **Code Sections 10130, 10142 and 10159.2 and**  
12 **Regulation 2725**, and is cause for the suspension or revocation of the license and license rights  
13 of Respondents ARI and ALBANESE, pursuant to **Code Sections 10176(a), 10176(c),**  
14 **10177(d) and (g).**

15 **Eighteenth Cause of Action:**

16 **Corporate Standing**

17 **(RI)**

18 **(Regulation 2742(c))**

19 75.

20 On or about February 15, 2018, ALBANESE, on behalf of REB listing firm RI  
21 signed an RLA as the listing agent to list property located at 2971 Via Marina Court in Oxnard  
22 ("Marina property"). On or about March 12, 2018, an RPA with Seller Multiple Counter Offer  
23 ("SMCO") was accepted by the Seller and signed by ALBANESE as the listing agent for REB  
24 listing firm RI. On or about April 18, 2018, ALBANESE signed commission instructions that  
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1 instructed escrow to disburse commission in the amount of \$10,800 to RI. On or about April 18,  
2 2018, escrow closed on the Marina property and escrow disbursed commission in the amount of  
3 \$10,800 to RI. By the time of the RLA, RI's powers, rights, and privileges had been suspended  
4 by the California Secretary of State (suspended October 30, 2017) and the California Franchise  
5 Tax Board (suspended April 2, 2018).

6 76.

7 The conduct of Respondents RI and ALBANESE as set forth above in Paragraph  
8 75, is in violation of **Regulation 2742(c)**, and is cause for the suspension or revocation of the  
9 license and license rights of Respondents **RI and ALBANESE**, pursuant to **Code Sections**  
10 **10177(d) and (g)**.

11 **Nineteenth Cause of Action:**

12 **Corporate Standing; Supervision**

13 **(RI and ALBANESE)**

14 **(Regulation 2742(c) and Code Section 10159.2 and Regulation 2725)**

15 77.

16 On or about February 5, 2018, Robinson signed a Business Listing Agreement  
17 ("BLA") on behalf of REB listing firm RI to list the business located at 24365 El Toro Road in  
18 Laguna Woods ("El Toro listing"). Among the terms of the BLA was that the listing would be  
19 placed on BBS "(for business sales)" instead of Multiple Listing Service ("MLS"), which it was,  
20 as ad ID 1482627. On or about April 4, 2018, the BLA was cancelled. By the time of the BLA,  
21 RI's powers, rights, and privileges had been suspended by the California Secretary of State  
22 (suspended October 30, 2017). According to ALBANESE at his April 17, 2018 interview with  
23 DRE SI Pak, he had no knowledge of Robinson posting listings on BBS until SI Pak's Broker  
24 Office Survey confirmation letter to him of March 29, 2018.

1 78.

2 On or about March 1, 2018, Robinson signed a Commercial and Residential  
3 Income Listing Agreement ("CLA") on behalf of REB listing firm "Cal Properties/ReUltra Lucy  
4 Robinson" with DRE license ID 00287010<sup>4</sup>, to list the property located at 1498 E. Harvard Blvd.  
5 in Santa Paula ("Harvard property"). By the time of the CLA, RI's powers, rights, and privileges  
6 had been suspended by the California Secretary of State (suspended October 30, 2017).  
7 According to ALBANESE at his April 17, 2018 interview with DRE SI Pak, he had no  
8 knowledge this listing until SI Pak's Broker Office Survey confirmation letter to him of March  
9 29, 2018.

10 79.

11 The conduct of Respondents RI and ALBANESE as set forth above in Paragraphs  
12 77 and 78, is in violation of **Code Section 10159.2 and Regulation 2725 and Regulation**  
13 **2742(c)**, and is cause for the suspension or revocation of the license and license rights of  
14 **Respondents RI and ALBANESE**, pursuant to **Code Sections 10177(d) and (g)**.

15 **Twentieth Cause of Action:**

16 **Responsibility of Corporate Officer In Charge/Broker Supervision**

17 **(ALBANESE)**

18 **(Code Sections 10159.2 and 10177(h) and Regulation 2725)**

19 80.

20 The acts and/or omissions of ALBANESE as the D.O. of RI and ARI during the  
21 subject time period, demonstrate a failure to adequately supervise the real estate activities of RI  
22 and ARI, and the salespersons and employees of RI and ARI, to ensure compliance with the Real  
23

24 <sup>4</sup> According to the DRE's records, this license ID belongs to F.M. Tarbell Co., which has been licensed under this  
25 ID since 1968.

1 Estate Law and Regulations. The acts and/or failures to act constitute grounds for the  
2 suspension or revocation of the license and license rights of ALBANESE under the provisions  
3 of Code Sections 10159.2 and 10177(h) and Regulation 2725.

4 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

5 **Certificate of Status, Qualification or Good Standing - Section 2742 of Title 10, Chapter 6,**

6 **California Code of Regulations ("Regulations")**

7 81.

8 Pursuant to Regulation 2742:

9 "(a) An applicant for an original broker license for a domestic corporation shall  
10 submit with the application, a Certificate of Status (Domestic Corporation)  
11 executed by the California Secretary of State not earlier than 30 days before the  
12 date of mailing or delivering the application to the headquarters office of the  
13 Bureau. However, if the applicant is a domestic corporation which filed its  
14 original Articles of Incorporation not earlier than six (6) months before the date  
15 of mailing or delivering the application to the headquarters office of the Bureau,  
16 Articles of Incorporation executed by the California Secretary of State may be  
17 submitted instead of a Certificate of Status.

18 (b) An applicant for an original broker license for a foreign corporation shall  
19 submit with the application, a Certificate of Qualification or a Certificate of  
20 Good Standing (Foreign Corporation) executed by the California Secretary of  
21 State not earlier than 30 days before the date of mailing or delivering the  
22 application to the headquarters office of the Bureau.

1 (c) A corporation licensed under Section 10211 of the Code shall not engage in  
2 the business of a real estate broker while not in good legal standing with the  
3 Office of the Secretary of State.”

4 **Pest Control Documentation – Regulation 2905**

5 82.

6 Pursuant to Regulation 2905, “In a real estate transaction subject to the  
7 provisions of Section 1099 of the Civil Code, the real estate broker acting as agent for the seller  
8 in the transaction shall effect delivery of the inspection report, certification and the notice of  
9 work completed, if any, to the transferee in accordance with said section.

10 If more than one real estate broker licensee is acting as an agent of the transferor in the  
11 transaction, the broker who has obtained the offer made by the transferee shall effect delivery of  
12 the required documents to the transferee unless the transferor has given written directions to  
13 another real estate broker licensee acting as agent of the transferor in the transaction to effect  
14 delivery. If the agent cannot obtain the required documents to deliver to the transferee and does  
15 not have written assurance from the transferee that all of said documents have been received,  
16 the agent shall advise the transferee in writing of the transferee's rights under Section 1099.

17 The broker shall maintain a record of the action taken to effect compliance with this regulation  
18 in accordance with Section 10148 of the Business and Professions Code.”

19 **License Required - Code Sections 10130, 10131, and 10132**

20 83.

21 Pursuant to Code Section 10130, “It is unlawful for any person to engage in the  
22 business of, act in the capacity of, advertise as, or assume to act as a real estate broker or a real  
23 estate salesperson within this state without first obtaining a real estate license from the  
24 department, or to engage in the business of, act in the capacity of, advertise as, or assume to act  
25

1 as a mortgage loan originator within this state without having obtained a license endorsement.  
2 The commissioner may prefer a complaint for violation of this section before any court of  
3 competent jurisdiction, and the commissioner and his or her counsel, deputies, or assistants, may  
4 assist in presenting the law or facts at the trial. *Prosecution of Violations:* It is the duty of the  
5 district attorney of each county in this state to prosecute all violations of this section in their  
6 respective counties in which the violations occur.”

7 84.

8 Pursuant to Code Section 10131, “A real estate broker within this meaning of this  
9 part is a person who, for a compensation or in expectation of a compensation, regardless of the  
10 form or time of payment, does or negotiates to do one or more of the following acts for another  
11 or others:

12 (a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or  
13 purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or  
14 exchange of real property or a business opportunity.

15 (b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings  
16 of places for rent, or solicits for prospective tenants, or negotiates the sale,  
17 purchase or exchanges of leases o real property, or on a business opportunity, or  
18 collects rents from real property, or improvements thereon, or from business  
19 opportunities.

20 (c) Assists or offers to assist in filing an application for the purchase or lease of,  
21 or in locating or entering upon, lands owned by the state or federal government.

22 (d) Solicits borrowers or lenders for or negotiates loans or collects payments or  
23 performs services for borrowers or lenders or note owners in connection with  
24

1 loans secured directly or collaterally by liens on real property or on a business  
2 opportunity.

3 (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange  
4 a real property sales contract, or a promissory note secured directly or collaterally  
5 by a lien on real property or on a business opportunity, and performs services for  
6 the holders thereof.”

7 85.

8 Pursuant to Code Section 10132, “A real estate salesperson within the meaning of  
9 this part is a natural person who, for a compensation or in expectation of a compensation, is  
10 employed by a licensed real estate broker to do one or more of the acts set forth in Sections  
11 10131, 10131.1, 10131.2, 10131.3, 10131.4, and 10131.6.”

12 **Unlawful Employment or Payment of Compensation - Code Section 10137**

13 86.

14 Pursuant to Code Section 10137, “It is unlawful for any licensed real estate broker  
15 to employ or compensate, directly or indirectly, any person for performing any of the acts within  
16 the scope of this chapter who is not a license real estate broker, or a real estate salesperson  
17 licensed under the broker employing or compensating him or her, or to employ or compensate,  
18 directly or indirectly, any licensee for engaging in any activity for which a mortgage loan  
19 originator license endorsement is required, if that licensee does not hold a mortgage loan  
20 originator license endorsement; provided, however, that a licensed real estate broker may pay a  
21 commission to a broker of another state. No real estate salesperson shall be employed by or  
22 accept compensation for activity requiring a real estate license from any person other than the  
23 broker under whom he or she is at the time licensed. It is unlawful for any licensed real estate  
24 salesperson to pay any compensation for performing any of the acts within the scope of this  
25



1 chapter to any real estate licensee except through the broker under whom he or she is at the time  
2 licensed. For a violation of any of the provisions of this section, the commissioner may  
3 temporarily suspend or permanently revoke the license of the real estate licensee, in accordance  
4 with the provisions of this part relating to hearings.”

5 **Responsibility of Corporate Officer in Charge – Code Section 10159.2 and**  
6 **Regulation 2725**

7 87.

8 Pursuant to Code Section 10159.2(a), “The officer designed by a corporate broker  
9 license pursuant to Section 10211 shall be responsible for the supervision and control of the  
10 activities conducted on behalf of the corporation by its officers and employees as necessary to  
11 secure full compliance with the provisions of this division, including supervision of salespersons  
12 licensed to the corporation in the performance of acts for which a real estate license is required.”

13 88.

14 Pursuant to Regulation 2725, “A broker shall exercise reasonable supervision  
15 over the activities of his or her salespersons. Reasonable supervision includes, as appropriate,  
16 the establishment of policies, rules, procedures and systems to review, oversee, inspect and  
17 manage:

- 18 a) Transactions requiring a real estate license.  
19 b) Documents which may have a material effect upon the rights or obligations of  
20 a party to the transaction.  
21 c) Filing, storage and maintenance of such documents.  
22 d) The handling of trust funds.  
23 e) Advertising of any service for which a license is required.

1 f) Familiarizing salespersons with the requirements of federal and state laws  
2 relating to the prohibition of discrimination.

3 g) Regular and consistent reports of licensed activities of salespersons.

4 The form and extent of such policies, rules, procedures and systems shall take  
5 into consideration the number of salespersons employed and the number and location of branch  
6 offices.

7 A broker shall establish a system for monitoring compliance with such policies,  
8 rules, procedures and systems. A broker may use the services of brokers and salespersons to  
9 assist in administering the provisions of this section so long as the broker does not relinquish  
10 overall responsibility for supervision of the acts of salespersons licensed to the broker.”

11 **Fictitious Name – Code Section 10159.5**

12 89.

13 Pursuant to Code Section 10159.5,

14 “(a) (1) Every person applying for a license under this chapter who desires to  
15 have the license issued under a fictitious business name shall file with his or her  
16 application a certified copy of his or her fictitious business name statement filed  
17 with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of  
18 Part 3 of Division 7.

19 (2) A responsible broker may, by contract, permit a salesperson to do all  
20 of the following:

21 (A) File an application on behalf of a responsible broker with a  
22 county clerk to obtain a fictitious business name.  
23  
24  
25

1 (B) Deliver to the bureau an application, signed by the  
2 responsible broker, requesting the bureau's approval to use a  
3 county approved fictitious business name that shall be identified  
4 with the responsible broker's license number.

5 (C) Pay for any fees associated with filing an application with a  
6 county or the bureau to obtain or use a fictitious business name.

7 (D) Maintain ownership of a fictitious business name, as defined  
8 in paragraph (2) of subdivision (a) of Section 10159.7, that may  
9 be used subject to the control of the responsible broker.  
10

11 (b) (1) A salesperson using a fictitious business name authorized by subdivision  
12 (a), shall use that name only as permitted by his or her responsible broker.

13 (2) This section does not change a real estate broker's duties under this  
14 division to supervise a salesperson.

15 (c) A person applying to a county for a fictitious business name pursuant to  
16 subdivision (a) may file his or her application in the county or counties where the  
17 fictitious business name will be used.

18 (d) Advertising and solicitation materials, including business cards, print or  
19 electronic media and "for sale" signage, using a fictitious business name obtained  
20 in accordance with paragraph (2) of subdivision (a) shall include the responsible  
21 broker's identity, as defined in paragraph (1) of subdivision (a) of Section  
22 10159.7, in a manner equally as prominent as the fictitious business name.

23 (e) Notwithstanding subdivision (b) of Section 10140.6, advertising and  
24 solicitation materials, including print or electronic media and "for sale" signage,  
25

1 containing a fictitious business name obtained in accordance with paragraph (2)  
2 of subdivision (a) shall include the name and license number of the salesperson  
3 who is using the fictitious business name.

4 (f) Notwithstanding Section 10185, a violation of this section is not a  
5 misdemeanor.”

6  
7 **Place of Business: Contact Information – Code Section 10162 and Regulation 2715**

8 90.

9 Pursuant to Code Section 10162,

10 “(a) Every licensed real estate broker shall have and maintain a definite place of  
11 business in the State of California that serves as his or her office for the  
12 transaction of business. This office shall be the place where his or her license is  
13 displayed and where personal consultations with clients are held.

14 (b) A real estate license does not authorize the licensee to do business except  
15 from the location stipulated in the real estate license as issued or as altered  
16 pursuant to Section 10161.8.

17 (c) (1) Every real estate broker and salesperson licensee shall provide to the  
18 commissioner his or her current office or mailing address, a current telephone  
19 number, and a current electronic mail address that he or she maintains or uses to  
20 perform any activity that requires a real estate license, at which the bureau may  
21 contact the licensee.

22 (2) Every real estate broker and salesperson licensee shall inform the  
23 commissioner of any change to his or her office or mailing address, telephone  
24 number, or electronic mail address no later than 30 days after making the change.  
25

26  
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1 (d) Notwithstanding Section 10185, a violation of this section is not a  
2 misdemeanor.”

3 91.

4 Pursuant to Regulation 2715, “Every broker, except a broker acting in the  
5 capacity of a salesperson to another broker under written agreement, shall maintain on file with  
6 the commissioner the address of his principal place of business for brokerage activities, the  
7 address of each branch business office and his current mailing address, if different from the  
8 business address. Every broker who is acting in the capacity of a salesperson to another broker  
9 under written agreement shall maintain on file with the commissioner the address of the business  
10 location where he expects to conduct most of the activities for which a license is required and his  
11 current mailing address. A real estate salesperson shall maintain on file with the commissioner  
12 his current mailing address, and when applicable, the address of the principal business office of  
13 the broker to whom the salesperson is at the time licensed. Whenever there is a change in the  
14 location or address of the principal place of business or of a branch office of a broker, he shall  
15 notify the commissioner thereof not later than the next business day following the change. This  
16 section shall apply to the holder of a real estate license who fails to renew it prior to the period  
17 for which it was issued and who is otherwise qualified for such license as set forth in Section  
18 10201 of the Code.”

19  
20 **Branch Offices – Code Section 10163**

21 92.

22 Pursuant to Code Section 10163, “If the applicant for a real estate broker’s license  
23 maintains more than one place of business within the State he shall apply for and procure an  
24 additional license for each branch office so maintained by him. Every such application shall state  
25 the name of the person and the location of the place or places of business for which such license

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27 DRE Accusation of ReUltra Inc; Albanese Realty Inc; and David Nicolas Albanese

1 is desired. The commissioner may determine whether or not a real estate broker is doing a real  
2 estate brokerage business at or from any particular location which requires him to have a branch  
3 office license.”

4 **Grounds for Revocation or Suspension – Code Section 10176**

5 93.

6 Pursuant to Code Section 10176, “The commissioner may, upon his or her own  
7 motion, and shall, upon the verified complaint in writing of any person, investigate the actions of  
8 any person engaged in the business or acting in the capacity of a real estate licensee within this  
9 state, and he or she may temporarily suspend or permanently revoke a real estate license at any  
10 time where the licensee, while a real estate licensee, in performing or attempting to perform any  
11 of the acts within the scope of this chapter has been guilty of any of the following:

12 (a) Making any substantial misrepresentation.

13 (b) Making any false promises of a character likely to influence, persuade, or  
14 induce.

15 (c) A continued and flagrant course of misrepresentation or making of false  
16 promises through real estate agents or salespersons.

17 ...

18 (i) Any other conduct, whether of the same or a different character than specified  
19 in this section, which constitutes fraud or dishonest dealing...”

20 **Further Grounds for Disciplinary Action – Code Section 10177**

21 94.

22 Pursuant to Code Section 10177, “The commissioner may suspend or revoke the  
23 license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny  
24 the issuance of a license to an applicant, who has done any of the following:

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...

(d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000) of Part 2.”

...

(g) Demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license.

(h) As a broker licensee, failed to exercise reasonable supervision over the activities of his or her salespersons, or, as the officer designated by a corporate broker licensee, failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required...

(j) Engaged in any other conduct, whether of the same or a different character than specified in this section, that constitutes fraud or dishonest dealing...”

COSTS

95.

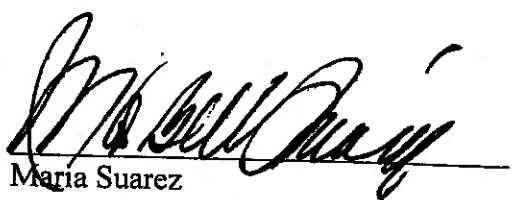
Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable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

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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 the licenses and license rights of Respondents **REULTRA INC, ALBANESE REALTY INC, and DAVID ALBANESE** under the Real Estate Law (Part I of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California  
this 17<sup>th</sup> day of October 2018.

  
\_\_\_\_\_  
Maria Suarez  
Supervising Special Investigator

cc: ReUltra Inc  
Albanese Realty Inc  
David Albanese  
M. Suarez  
Sacto.