

FILED

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DEPT. OF REAL ESTATE

By Carl Selous

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation against) DRE No. H-41630 LA
)
ROBERTO D. MELCHOR,)
) ACCUSATION
) Respondent.)
)

The Complainant, Chika Sunquist, a Supervising Special Investigator for the Department of Real Estate¹ ("Department") of the State of California, for cause of Accusation against ROBERTO D. MELCHOR aka Roberto Melchor ("Respondent"), is informed and alleges as follows:

1. The Complainant, Chika Sunquist, makes this Accusation in her official capacity as a Supervising Special Investigator for the Department.

2. All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

3. Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code).

4. Respondent submitted an application for a real estate broker license to the Department on or about January 24, 2017.

5. On May 10, 2018, the Department issued a real estate broker license to Respondent, License ID 02027486.

PRIOR DISCIPLINE

6. On or about June 29, 2018, the Commissioner of the Department of Business Oversight ("DBO") for the State of California filed an Accusation against Respondent, Realty Escrow Corporation ("Realty"), and Frank Cancino. Realty was an independent escrow and joint control agent licensed by DBO since November 22, 2005, DBO Escrow License No. 9632279. Respondent was Realty's owner, president, and escrow officer.

7. On or about September 18, 2016, DBO filed a First Amended Accusation in the afore-mentioned matter. DBO alleged causes for discipline including, without limitation, the following: 1) payment of unlawful referral fees to short sale negotiators, some of whom were real estate salespersons; and 2) escrow violations including making unauthorized disbursements in several audited escrow transactions.

8. A hearing was scheduled for March 4 through March 11, 2019, before the Office of Administrative Hearings in OAH Case No. 2018070428.

9. On or about November 29, 2018, Realty, Respondent, and Cancino entered into a settlement agreement with DBO. Under the settlement agreement effective December 1, 2018, Respondent was barred from any position of employment, management, or control of any escrow agent for a period of three years.

1 10. Under the settlement agreement, DBO imposed penalties of \$9,000 against Realty under
2 Financial Code section 17408 on February 27, 2019.

3 11. On or about April 10, 2019, DBO revoked Realty's escrow agent's license for
4 failure to comply with the terms of the settlement agreement.

5 Failure to Report DBO Disciplinary Action

6 12. Code section 10186.2, subdivision (a)(1)(C), requires that licensees report any
7 disciplinary action taken by another licensing entity or authority of this state or another state or
8 an agency of the federal government. Code section 10186.2, subdivision(a)(2), requires that
9 licensees make a report in writing to the Department within 30 days of the bringing of the
10 disciplinary action. Failure to make a report constitutes cause for discipline under Code section
11 10186.2, subdivision (b).

12 13. A diligent search was made of the Department's records for Respondent and no
13 record or written notice (timely or otherwise) was found to have been received from Respondent
14 notifying the Department of the DBO disciplinary action against Respondent or the DBO bar
15 order against Respondent, as described above in Paragraphs 6, 7, and 9.

16 14. Respondent's failure to provide timely written notice to the Department pursuant
17 to Code section 10186.2 constitutes cause for the suspension or revocation of Respondent's real
18 estate license and license rights under Code section 10186.2, subdivision (b), and section 10177,
19 subdivisions (d) and/or (g).

20 COST RECOVERY

21 15. Code Section 10106 provides, in pertinent part, that in any order issued in
22 resolution of a disciplinary proceeding before the Department, the Commissioner may request
23 the Administrative Law Judge to direct a licensee found to have committed a violation of this
24

1 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

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

9 Dated at Sacramento, California this 28th day of February, 2020.

11 

12 CHIKA SUNQUIST
13 Supervising Special Investigator

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15 cc: Roberto D. Melchor
16 Chika Sunquist
17 Sacto.
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