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FILED

JUN 30 2020

DEPT. OF REAL ESTATE

at Delos

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11 DEPARTMENT OF REAL ESTATE
12 STATE OF CALIFORNIA

13 * * * * *

14 In the Matter of the Accusation of) No. H-41713 LA
15)
16 KRICH ADARY,)
17)
18 Respondent.)

18 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
19 California, for cause of Accusation against Respondent KRICH ADARY ("Respondent"), is
20 informed and alleges as follows:

21 1.

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

24 //

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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.

RESPONDENT KRICH ADARY

3.

DRE License History

KRICH ADARY ("ADARY") 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, Department of Real Estate ("Department" or "DRE") License ID 01110443.

4.

ADARY was first licensed by the Department as a real estate salesperson on or about May 16, 1991.

5.

ADARY'S real estate salesperson license will expire on May 15, 2023.

6.

ADARY'S current responsible broker is Archetype Real Estate Group Inc.

7.

At all times mentioned herein, Respondent ADARY engaged in the performance of activities requiring a real estate license pursuant to Code Section 10130, and acted and ordered, caused, authorized or participated in licensed activities within the meaning of Code Section 10131.

Commercial Property ("subject property")

8.

On or about August 29, 2018, the Department received a complaint from E.T.,

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1 who inherited a commercial property ("subject property"). Upon the expiration of the 5-year
2 lease with the tenants, E.T. enlisted the services of Armik Mikailian ("Mikailian") because he
3 was documented as the agent who negotiated the existing lease. On July 16, 2018, ADARY,
4 without consulting his broker, sent E.T. an invoice requesting \$30,766.18 payable to Archetype
5 Commercial Realty as commission for the renewal of the lease. Attached was also a W-9 for
6 the commission process.

7 9.

8 Shortly after these documents were sent, Mikailian requested a check to be
9 written out to him and for it to be mailed to his address. E.T. became suspicious and upon
10 closer inspection he noticed that Archetype Commercial Realty dba Archetype Real Estate
11 Group, Inc. was listed under the invoice and signed by ADARY; however, the existing lease
12 was done by Coldwell Banker Residential Brokerage Company ("CBRBC"). E.T. called
13 CBRBC's branch office located at 620 North Brand Blvd., Second Floor, Glendale, CA 91203,
14 and learned that Mikailian was once an agent there but had his license revoked. E.T. also
15 learned that the Archetype Commercial Realty had no right in charging for the lease renewal.
16 Therefore, E.T. never paid Archetype Commercial Realty nor Mikailian or ADARY any
17 commission.

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

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

20 10.

21 Pursuant to Code Section 10176, "The commissioner may, upon his or her own
22 motion, and shall, upon the verified complaint in writing of any person, investigate the actions of
23 any person engaged in the business or acting in the capacity of a real estate licensee within this
24 state, and he or she may temporarily suspend or permanently revoke a real estate license at any
25

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1 time where the licensee, while a real estate licensee, in performing or attempting to perform any
2 of the acts within the scope of this chapter has been guilty of any of the following:

3 ...

- 4 (g) The claiming or taking by a licensee of any secret or undisclosed amount
5 of compensation, commission, or profit or the failure of a licensee to
6 reveal to the buyer or seller contracting with the licensee the full amount
7 of the licensee's compensation, commission, or profit under any agreement
8 authorizing the licensee to do any acts for which a license is required
9 under this chapter for compensation or commission prior to or coincident
10 with the signing of an agreement evidencing the meeting of the minds of
11 the contracting parties, regardless of the form of the agreement, whether
12 evidenced by documents in an escrow or by any other or different
13 procedure.

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

15 11.

16 Pursuant to Code Section 10177, "The commissioner may suspend or revoke the
17 license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the
18 issuance of a license to an applicant, who has done any of the following:

19 ...

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

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Complainant re-alleges and incorporates by reference the preceding paragraphs as set forth herein.

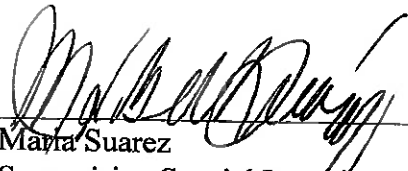
In the course of the activities described above, and based on the facts discovered by the Department, also described above, the acts and/or omissions of Respondent **KRICH ADARY** are in violation of **Code Section 10176(g) and Code Sections 10177(j)**, and constitute cause for the suspension or revocation of all licenses and license rights Respondent **KRICH ADARY**. under the Real Estate Law.

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Code Section 10106 provides, in pertinent part that in any order issued in resolution of a disciplinary proceeding before the Department, 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.

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 Respondent KRICH ADARY, under the Real Estate Law (Part 1 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.

1 Dated at Los Angeles, California this 10th day of June 2020.
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4 
5 Maria Suarez
6 Supervising Special Investigator
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10 cc: KRICH ADARY
11 Archetype Real Estate Group Inc.
12 Maria Suarez
13 Sacto.
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