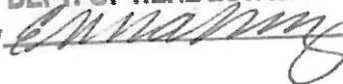


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FILED

JUN 09 2021

DEPT. OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against

DRE No. H-41911 LA

12 STANDING STONE REAL ESTATE, INC.,
13 SUSAN A. RAMOS, individually and as
designated officer for Standing Stone Real Estate, Inc.,
14 and JESIKAH DANIELLE ALVARADO,

ACCUSATION

15 Respondents.

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the
17 Department of Real Estate¹ ("Department") of the State of California, for cause of Accusation
18 against STANDING STONE REAL ESTATE, INC., SUSAN A. RAMOS, individually and as
19 designated officer for Standing Stone Real Estate, Inc., and JESIKAH DANIELLE
20 ALVARADO (collectively "Respondents"), is informed and alleges as follows:

21 1. All references to the "Code" are to the California Business and Professions Code and
22 all references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,
23

24 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.

1 Chapter 6, California Code of Regulations.

2 2. Respondents are presently licensed and/or have license rights under the Real Estate
3 Law (Part 1 of Division 4 of the California Business and Professions Code).

4 Licenses

5 3. On or about June 27, 2014, the Department issued a real estate corporation license to
6 Respondent STANDING STONE REAL ESTATE, INC. ("SSREI"), License ID 01956126.
7 Respondent SSREI's license is scheduled to expire on June 26, 2022. Respondent SSREI has
8 renewal rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to
9 Code section 10103.

10 4. On or about February 6, 2014, the Department issued a real estate broker license to
11 Respondent SUSAN A. RAMOS ("RAMOS"), License ID 01766128. RAMOS was formerly
12 licensed as a real estate salesperson from August 15, 2006 to February 5, 2014. Respondent
13 RAMOS's broker license is scheduled to expire on February 5, 2022. Respondent RAMOS has
14 renewal rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to
15 Code section 10103.

16 5. On or about November 4, 2019, the Department issued a real estate salesperson
17 license to Respondent JESIKAH DANIELLE ALVARADO ("ALVARADO"), License ID
18 02102955. ALVARADO has been a salesperson affiliated with SSREI from November 4, 2019
19 to the present.

20 6. On or about June 8, 2012, the Department issued a real estate salesperson license to
21 Nelson Alvarado, License ID 01913347. Nelson Alvarado has been a salesperson affiliated
22 with SSREI from September 9, 2014 to the present.

23 ///

24 ///

1 Statement of Facts

2 7. At all times relevant herein, Respondents engaged in the business of real property
3 management including soliciting listings of places for rent, soliciting prospective tenants, or
4 negotiating the lease or rental of real property on behalf of another or others, for compensation
5 or in the expectation of compensation, within the meaning of Code section 10131(b).

6 8. N.W.² ("property owner") owned real property located at 2448 West Calle Celesté
7 Drive, Rialto, California ("subject property").

8 9. On or about February 25, 2020, Respondent ALVARADO executed a Lease Listing
9 Agreement on behalf of SSREI with N.W. for the subject property. Respondent ALVARADO
10 was to list the subject property for rent, find good, qualified prospective tenants for the subject
11 property, and negotiate the lease or rental of the subject property on behalf of the property
12 owner with the tenants.

13 10. In April of 2020, Respondent ALVARO informed the property owner that
14 ALVARADO had found qualified prospective tenants, P.N. and B.N., for the subject property.
15 Respondent ALVARADO informed the property owner that ALVARADO had vetted the
16 prospective tenants including by checking their credit reports and that the prospective tenants
17 had no bankruptcies or delinquencies. ALVARADO induced the property owner to lease the
18 subject property to the prospective tenants. The property owner relied on ALVARADO's
19 advice, representations, and recommendation to lease the subject property to P.N. and B.N.
20 Further, ALVARADO promised to assist the property owner with the eviction process if it
21 turned out that P.N. and B.N. were not good tenants. ALVARADO did not provide a copy of
22 the prospective tenants' credit reports to the property owner prior to leasing the subject
23

24 ² Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full 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 property.

2 11. On or about April 28, 2020, ALVARADO negotiated a Residential Lease or Month-
3 to-Month Rental Agreement ("lease agreement") between N.W., the property owner, and
4 tenants, P.N. and B.N. The lease agreement period was to be from May 1, 2020 through May 1,
5 2021. E.A. was listed as the third tenant on the lease agreement.

6 12. On or about April 28, 2020, ALVARADO received a payment of \$80.00 from
7 tenant B.N. for credit reports. The payment was made in the form of a Zelle payment deposited
8 directly to ALVARADO's personal bank account no. XXXX20721. ALVARADO failed to
9 provide the credit report or a rental application from E.A. to the property owner prior to leasing
10 the subject property.

11 13. The lease agreement stated that no pets were allowed to be kept at the subject
12 property without prior written consent. There was no Pet Addendum included as part of the
13 lease agreement.

14 14. On May 1, 2020, N.W., the property owner, paid \$1,100.000 to Respondent
15 ALVARADO for the rental of the subject property. The payment was in the form of a check
16 no. 5963, made payable directly to Respondent ALVARADO.

17 15. On or about May 5, 2020, the security alarm at the subject property was triggered.
18 The property owner went to the subject property and discovered several violations of the lease
19 agreement and other problems including, but not limited to the following: the tenants had
20 several animals inside the subject property, the subject property was dirty and damaged, the
21 tenants had been smoking inside the subject property, additional occupants or guests which
22 were not listed on the lease agreement were staying at the subject property, and the police had
23 been called to the subject property because the occupants had discharged loud fireworks, had
24 loud parties or gatherings, and had caused noise disturbances at the subject property.

1 Respondent ALVARADO collected a payment for credit reports (trust funds) directly from
2 tenant B.N., as alleged above in Paragraph 12, in violation of Code sections 10145, subdivision
3 (c) and/or 10137. The foregoing violations constitutes cause for the suspension or revocation of
4 all licenses and license rights of Respondents ALVARADO and SSREI pursuant to Code
5 section 10177, subdivisions (d) and/or (g).

6 Second Cause of Accusation

7 Negligence/Misrepresentations, False Promise, and/or Dishonest Dealing

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

11 22. The conduct, acts and/or omissions of ALVARADO, as described above in
12 Paragraphs 9 through 19, involved negligence and making substantial misrepresentations, false
13 promises, and/or dishonest dealing with the property owner, which constitutes cause for the
14 suspension or revocation of all licenses and license rights of Respondents ALVARADO and
15 SSREI pursuant to Code sections 10177(g) and 10176, subdivisions (a), (b), and/or (i).

16 Third Cause of Accusation

17 Broker Supervision

18 23. There is hereby incorporated in this Third, separate and distinct Cause of
19 Accusation, all of the allegations contained in Paragraphs 1 through 22, with the same force and
20 effect as if herein fully set forth.

21 24. The conduct, acts and/or omissions of Respondent RAMOS, in allowing
22 ALVARADO and SSREI to violate the Real Estate Law, as set forth above, constitutes a failure
23 by Respondent RAMOS to exercise the supervision and control over the activities of SSREI and
24 ALVARADO as required by Code Section 10159.2 and Regulation 2725, and is cause to

1 suspend or revoke the real estate license and license rights of Respondent RAMOS under Code
2 Sections 10177(h) (failure to supervise), 10177(d), and/or 10177(g).

3 Investigation and Enforcement Costs

4 25. Code section 10106 provides, in pertinent part, that in any order issued in resolution
5 of a disciplinary proceeding before the Department of Real Estate, the Commissioner may
6 request the administrative law judge to direct a licensee found to have committed a violation of
7 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
8 the case.

9 Statutory Provisions

10 26. Code section 10131, subdivision (b), provides:

11 A real estate broker within the meaning of this part is a person who, for a compensation or
12 in expectation of a compensation, regardless of the form or time of payment, does or negotiates to
13 do one or more of the following acts for another or others:

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

18 27. Code section 10137, provides, in pertinent part:

19 No real estate salesperson shall accept compensation for activity requiring a real estate
20 license from any person other than the broker under whom he or she is at the time licensed.

21 For a violation of any of the provisions of this section, the commissioner may temporarily
22 suspend or permanently revoke the license of the real estate licensee, in accordance with the
23 provisions of this part relating to hearings.

24 ///

1 28. Code section 10145, subdivision (c), provides:

2 (c) A real estate sales person who accepts trust funds from others on behalf of
3 the broker under whom he or she is licensed shall immediately deliver the funds to the broker
4 or, if so directed by the broker, shall deliver the funds into the custody of the broker's principal
5 or a neutral escrow depository or shall deposit the funds into the broker's trust fund account.

6 29. Code section 10148 provides, in pertinent part:

7 (a) A licensed real estate broker shall retain for three years copies of all listings, deposit
8 receipts, canceled checks, trust records, and other documents executed by him or her or obtained
9 by him or her in connection with any transactions for which a real estate broker license is
10 required. The retention period shall run from the date of the closing of the transaction or from the
11 date of the listing if the transaction is not consummated. After notice, the books, accounts, and
12 records shall be made available for examination, inspection, and copying by the commissioner or
13 his or her designated representative during regular business hours; and shall, upon the
14 appearance of sufficient cause, be subject to audit without further notice, except that the audit
15 shall not be harassing in nature. This subdivision shall not be construed to require a licensed real
16 estate broker to retain electronic messages of an ephemeral nature, as described in subdivision
17 (d) of Section 1624 of the Civil Code.

18 (e) The bureau may suspend or revoke the license of any real estate broker, real estate
19 salesperson, or corporation licensed as a real estate broker, if the real estate broker, real estate
20 salesperson, or any director, officer, employee, or agent of the corporation licensed as a real
21 estate broker knowingly destroys, alters, conceals, mutilates, or falsifies any of the books,
22 papers, writings, documents, or tangible objects that are required to be maintained by this section
23 or that have been sought in connection with an investigation, audit, or examination of a real
24 estate licensee by the commissioner.

1 30. 10176(a) provides:

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

8 (a) Making any substantial misrepresentation;

9 (b) Making any false promises of a character likely to influence, persuade, or
10 induce;

11 (i) Conduct, whether of the same or of a different character which constitutes
12 fraud or dishonest dealing.

13 31. Code section 10177 provides, in pertinent part:

14 The commissioner may suspend or revoke the license of a real estate licensee, delay the
15 renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant,
16 who has done any of the following, or may suspend or revoke the license of a corporation, delay
17 the renewal of a license of a corporation, or deny the issuance of a license to a corporation, if an
18 officer, director, or person owning or controlling 10 percent or more of the corporation's stock
19 has done any of the following:

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

24

1 (g) Demonstrated negligence or incompetence in performing an act for which the
2 officer, director, or person is required to hold a license.

3 (h) As a broker licensee, failed to exercise reasonable supervision over the
4 activities of that licensee's salespersons, or, as the officer designated by a corporate broker
5 licensee, failed to exercise reasonable supervision and control of the activities of the corporation
6 for which a real estate license is required.

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

13 Dated at San Diego, California this 4 day of June, 2021.

14
15 
16 VERONICA KILPATRICK
17 Supervising Special Investigator

18 cc: Standing Stone Real Estate, Inc.
19 Susan A. Ramos
20 Jesikah Danielle Alvarado
21 Veronica Kilpatrick
22 Sacto.
23
24