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FILED

JUN 13 2022

DEPT. OF REAL ESTATE

By

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

MARESSA MARIE MARTINEZ,

Respondent.

No. H-42191 LA

ACCUSATION

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against MARESSA MARIE MARTINEZ ("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

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.

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ACCUSATION

1 LICENSE HISTORY

2 3.

3 (MARESSA MARIE MARTINEZ)

4 a. Respondent MARESSA MARIE MARTINEZ is presently licensed and/or has
5 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
6 Professions Code, as a real estate salesperson ("RES"), Department of Real Estate¹
7 ("Department") license ID 01897904.

8 b. The Department originally issued Respondent's RES license on or about April
9 14, 2011.

10 c. Respondent's license is scheduled to expire on February 19, 2024, unless
11 renewed.

12 d. From August 17, 2020 to May 4, 2021, Respondent was a RES under the
13 brokerage of Big Block Realty, Inc. ("BBR"). At all times mentioned herein, Kimberly McKeag
14 ("McKeag") was, and is, the designated officer of BBR.

15 LICENSED ACTIVITIES

16 4.

17 At all times mentioned herein, Respondent engaged in the performance of
18 activities requiring a real estate license pursuant to Code Section 10130.

19 FACTS DISCOVERED BY THE DEPARTMENT

20 5.

21 On or about August 14, 2020, Respondent entered into an Independent
22 Contractor Agreement ("ICA") with BBR. In the ICA, Respondent agreed that she "shall have
23 no authority to incur obligations on Broker's (BBR) behalf and promises (1) not to sign any
24 contract, agreement, lease or note in the name of Broker (including commission instructions,
25 referral agreements and listing cancellations) . . ."

26
27 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 6.

2 On or about August 14, 2020, Respondent signed BBR's Policy & Procedures
3 Manual ("PPM"). The PPM stated that "Associates shall be permitted to sign ONLY (sic)
4 listing agreement on behalf of Broker. Documents requiring Broker's signature include, but are
5 not limited to, Commission Instructions. . ."

6 7.

7 On or about March 11, 2021, consumer Gamlowski David K & Carolyn C Trust
8 entered into a Residential Listing Agreement (C.A.R. Form RLA, Revised 12/18) ("RLA") with
9 Respondent and RES Bobbie Ranney (ID 01089888) ("Ranney") for BBR for the listing of the
10 property located at 525 S. R Street in Lompoc, California (the "Property"). The RLA was
11 signed on behalf of BBR by Respondent and Ranney.

12 8.

13 On or about March 12, 2021, a Residential Purchase Agreement and Joint
14 Escrow Instructions (C.A.R. Form RPA-CA, Revised 12/18) ("RPA") was entered into for the
15 sale of the the Property. The RPA was signed on behalf of BBR by Respondent, as the buyer's
16 agent, and Ranney, as seller's agent. The offer was accepted on or about March 13, 2021.

17 9.

18 On or about April 7, 2021, a Commission Disbursement Authorization Form
19 was forged for the commission for sale of the Property. Per the form, the commission, in the
20 amount of \$290.00 was issued to BBR and \$21,710.00 was issued to Respondent.

21 APPLICABLE SECTIONS OF THE REAL ESTATE LAW

22 Code Section 10139

23 10.

24 Code Section 10139 provides, in pertinent part, that "[a]ny person acting as a
25 real estate broker, real estate salesperson, or mortgage loan originator without a license or
26 license endorsement, or who advertises using words indicating that he or she is a real estate
27 broker, real estate salesperson, or mortgage loan originator without being so licensed or without

1 having obtained a license endorsement, shall be guilty of a public offense punishable by a fine
2 not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a
3 term not to exceed six months, or by both fine and imprisonment; or if a corporation, be
4 punished by a fine not exceeding sixty thousand dollars (\$60,000). . .”

5 Grounds for Disciplinary Action – Code Section 10176

6 11.

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

13 . . .

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

16 VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE

17 12.

18 In the course of the activities described above in Paragraph 4, and based on the
19 facts discovered by the Department in Paragraphs 5 through 9, above, Respondent acted in
20 violation of the Code and Regulations, as described below.

21 13.

22 On or about April 7, 2021, Respondent forged the signature of McKeag on the
23 Commission Disbursement Authorization Form in violation of **Code Sections 10139 and**
24 **10176(i).**

25 ///

26 ///

27 ///

14.

The overall conduct of Respondent violates the Real Estate Law and constitutes cause for the suspension or revocation of her real estate license and license rights under the provisions of **Code Section 10177(g)** for negligence.

COSTS

15.

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.

PRAYER

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 licenses and/or license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondent MARESSA MARIE MARTINEZ, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under applicable provisions of law.

Dated at San Diego, California this 9 day of June, 2022.


Veronica Kilpatrick
Supervising Special Investigator

cc: MARESSA MARIE MARTINEZ
Veronica Kilpatrick
Sacto.