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**FILED**  
MAR 07 2022  
DEPT. OF REAL ESTATE  
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-42271 LA
	)	
THOMAS LORINI,	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	
_____	)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against THOMAS LORINI ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondent THOMAS LORINI.

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 of Thomas Lorini

1 3.

2 Respondent THOMAS LORINI ("LORINI") presently has license rights under  
3 the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson.

4 FAILED SALE OF KIMBERLY YORBA LINDA HOME

5 4.

6 On or about August 2, 2020, Respondent met sellers M. Isaac and F. Isaac  
7 ("sellers"). The sellers wanted Respondent to sell real property at 27820 Kimberly Dr, Yorba  
8 Linda, California 92887 ("Kimberly Yorba Linda home"), contingent on sellers selling a second  
9 real property at 748 West Lambert Rd #57, La Habra, California 90631 ("La Habra second  
10 home") and also contingent on sellers buying a third real property by using the proceeds of the  
11 sale of both the Kimberly Yorba Linda home and the La Habra second home. The third real  
12 property turned out to be real property at 5370 Avenida de Despacio, Yorba Linda, California  
13 92887 ("Avenida Yorba Linda third home").

14 5.

15 On or about September 24, 2020, the sellers entered into a Residential Listing  
16 Agreement with Respondent to sell the Kimberly Yorba Linda home. Respondent failed check  
17 the box for, "Seller intends to include a contingency to purchase a replacement property as part  
18 of any resulting transaction", in Section 19 on page 4 of the Residential Listing Agreement.

19 6.

20 On or about September 24, 2020, Respondent listed the Kimberly Yorba Linda  
21 home on the multiple listing service ("MLS"). Under the MLS section "LISTING", for  
22 "CONTINGENCY", Respondent wrote, "Contingent on sellers finding a replacement home,  
23 which they are actively looking."

24 7.

25 On or about September 28, 2020, buyer Y. Jeong submitted to Respondent and  
26 sellers an offer to purchase the Kimberly Yorba Linda home through a Residential Purchase  
27 Agreement.

1 8.

2 On or about September 30, 2020, Respondent and sellers submitted to  
3 buyer Y. Jeong a Seller Multiple Counter Offer No. 1 for the Kimberly Yorba Linda home.  
4 Respondent failed to include language in Seller Multiple Counter Offer No. 1 that the sale the  
5 Kimberly Yorba Linda home was contingent on sellers selling the La Habra second home and  
6 also contingent on sellers buying a third real property. Respondent also failed to use Seller's  
7 Purchase of Replacement Property form.

8 9.

9 On or about October 2, 2020, buyer Y. Jeong submitted to Respondent and  
10 sellers a Buyer Counter Offer No. 1 for the Kimberly Yorba Linda home. On or about  
11 October 8, 2020, sellers accepted Buyer Counter Offer No. 1 for the Kimberly Yorba Linda  
12 home. Respondent failed to submit a Seller Multiple Counter Offer No. 2 with language that  
13 the sale the Kimberly Yorba Linda home was contingent on sellers selling the La Habra second  
14 home and also contingent on sellers buying a third real property. Respondent also failed to use  
15 Seller's Purchase of Replacement Property form.

16 10.

17 On or about October 22, 2020, sellers ran into an issue with the sale of La Habra  
18 second home, and sellers and buyer of the La Habra second home signed a Cancellation of  
19 Contract.

20 11.

21 On or about October 23, 2020, Respondent was aware that sellers wanted to  
22 cancel the sale of the La Habra second home.

23 12.

24 On or about October 30, 2020, due to the failure to sell the La Habra second  
25 home, sellers and the owners of Avenida Yorba Linda third home signed a Cancellation of  
26 Contract.

27 ///

13.

On or about November 9, 2020, buyer Y. Jeong did not want to cancel the sale of the Kimberly Yorba Linda home and submitted a Demand to Close Escrow to Respondent and sellers.

14.

On or about December 10, 2020, buyer Y. Jeong filed a complaint for specific performance of real estate purchase contract and breach of contract in the Superior Court of California, County of Orange, Case No. 30-2020-01173886-CU-BC-CJC, against sellers for the Kimberly Yorba Linda home.

15.

On or about December 30, 2020, buyer Y. Jeong and sellers signed a Cancellation of Contract for the Kimberly Yorba Linda home.

#### PRIOR DISCIPLINE OF RESPONDENT BY ORANGE COUNTY REALTORS

16.

On or about December 3, 2020, sellers filed a complaint with the Orange County Realtors ("Realtors"), Case No. 12-03-20G, against Respondent regarding the Kimberly Yorba Linda home transaction.

17.

On or about October 24, 2017, a Hearing Panel of the Realtors ("Hearing Panel") held a disciplinary hearing regarding the Kimberly Yorba Linda home transaction. The Hearing Panel found that Respondent was, "in violation of Article(s) 1 and 9 of the Code of Ethics". The Hearing Panel's Findings of Facts included, "The panel finds Respondent, Thomas Lorini, in violation of Article 1 because he failed to protect his client's best interest. In the sale of the Kimberly property he failed to utilize CAR form Seller's Purchase of Replacement Property (SPRP) which would have provided the Sellers' [sic] with the contingency that they told their agent was so important to them and which they believe they had."

Accusation of Thomas Lorini

18.

On or about February 24, 2021, Hearing Panel made the recommendation to the Board of Directors of Realtors to place a Letter of Warning advising of a lack of professional conduct in Respondent's file for three years and to require Respondent to complete C.A.R. Online Ethics Class, C.A.R. Fundamentals of Transaction Coordination Class, and C.A.R. RPA Class.

19.

On or about March 30, 2021, the Board of Directors of Realtors adopted the Hearing Panel's recommendation of discipline against Respondent.

#### DEPARTMENT OF REAL ESTATE INVESTIGATION

20.

On or about July 7, 2021, the Department of Real Estate ("Department") submitted a request to Respondent's broker to provide information and documents regarding the Kimberly Yorba Linda home transaction.

21.

On or about July 9, 2021, Respondent provided a letter to the Department, which included, "They shared they wanted to purchase another property but utilize the proceeds from the sale of 748 West Lambert RD. #57 La Habra and their other property 27820 Kimberly Yorba Linda", and "We made an offer on 5370 Avenida de Despacio Yorba Linda with several contingencies in place however not on the sale of 27820 Kimberly Yorba Linda as talking with the other agent it would likely not have be [sic] accepted."

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1 FIRST CAUSE OF ACTION

2 WILLFUL DISREGARD OR VIOLATION OF THE REAL ESTATE LAW,  
3 NEGLIGENCE OR INCOMPETENCE

4 22.

5 The conduct, acts, and omissions of Respondent, as described in Paragraphs 4  
6 through 21 above, constitute cause under Code sections 10177(d) and/or 10177(g) for the  
7 suspension or revocation of all the licenses and license rights of Respondent.

8 23.

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

14 WHEREFORE, Complainant prays that a hearing be conducted on the  
15 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
16 disciplinary action against all the licenses and license rights of Respondents THOMAS LORINI  
17 under the Real Estate Law, for the cost of investigation and enforcement as permitted by law,  
18 and for such other and further relief as may be proper under other applicable provisions of law.

19  
20 Dated at San Diego, California

21 this 4th day of March, 2022

22  
23 Veronica Kilpatrick

24 Veronica Kilpatrick  
25 Supervising Special Investigator

26  
27 cc: THOMAS LORINI  
eXp Realty of California, Inc.

Accusation of Thomas Lorini

Veronica Kilpatrick  
Sacto.

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Accusation of Thomas Lorini