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FILED

MAR 07 2022

DEPT. OF REAL ESTATE
By Emmaly

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-42271 LA
13 THOMAS LORINI,) ACCUSATION
14 Respondent.)
15 _____)

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

19 1.

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

23 2.

24 All references to the “Code” are to the California Business and Professions Code
25 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

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27 ///

Accusation of Thomas Lorini

3.

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

FAILED SALE OF KIMBERLY YORBA LINDA HOME

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”).

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.

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.”

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.

8.

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

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.

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.

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.

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.

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

14.

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

10 15.

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

13 PRIOR DISCIPLINE OF RESPONDENT BY ORANGE COUNTY REALTORS

14 16.

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

18 17.

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

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 been [sic] accepted.”

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FIRST CAUSE OF ACTION

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

22.

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

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.

20 | Dated at San Diego, California

21 | this 4th day of March, 2022

Veronica Kilpatrick

**Veronica Kilpatrick
Supervising Special Investigator**

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

