

1 All references to the "Code" are to the California Business and Professions
2 Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of
3 Regulations, unless otherwise specified.

4 3.

5 A. ORI: Respondent ORI is presently licensed and/or has license rights
6 issued by the Department of Real Estate as a real estate corporate broker (license no.
7 01847471). ORI has been licensed as a corporate real estate broker from on or about July 8,
8 2008 to July 7, 2016 and August 9, 2016 through the present. At no time has ORI had a
9 fictitious business name registered with Department of Real Estate. From on or about
10 September 29, 2017 to April 13, 2022, MINOGUE was the designated officer of ORI. From on
11 or about September 13, 2010 to August 7, 2017, Venus Marie Louviere ("Louviere") (DRE
12 broker license no. 01226653) was the designated officer of ORI.

13 B. MINOGUE: Respondent MINOGUE is presently licensed and/or has
14 license rights issued by the Department of Real Estate as a real estate broker (license no.
15 01378196). On or about October 18, 2007, MINOGUE was originally licensed as a real estate
16 broker, and has been so licensed since then. Previously, from on or about April 12, 2003 to
17 October 17, 2007, MINOGUE was licensed as a real estate salesperson. At no time has ORI
18 had a fictitious business name registered with Department of Real Estate.

19 C. David Garza ("Garza"): Garza is not now, and has never been licensed
20 with the Department of Real Estate. Garza has been the chief executive office ("CEO") of ORI
21 since the initial filing of ORI with the California Secretary of State on or about May 16, 2008,
22 During all times mentioned below, Garza was a "broker assistant" for ORI and MINOGUE.

23 4.

24 Whenever acts referred to below are attributed to ORI, those acts are alleged to
25 have been done by ORI, acting by itself, or by and/or through one or more agents, associates,
26 affiliates, and/or co-conspirators, including, but not limited to MINOGUE and Garza.

27 5.

1 Whenever acts referred to below are attributed to MINOGUE, those acts are
2 alleged to have been done by WRI, acting by itself, or by and/or through one or more agents,
3 associates, affiliates, and/or co-conspirators, including but not limited to ORI and Garza.

4
5 FIRST CAUSE OF ACCUSATION

6 (MISREPRESENTATIONS, FRAUD/DISHONEST DEALING, FAILURE TO SUPERVISE,
7 ETC.)

8 6.

9 Incorporated herein are Paragraphs 3 through 5, above.

10 7.

11 In or about May 2019, at the direction of ORI and MINOGUE, Garza solicited
12 Gloria B., the owner of 22147 Ballinger St., Los Angeles, CA 91311 ("Property"), by offering
13 foreclosure assistance.

14 8.

15 Soon thereafter, in or about May 2019, instead of helping Gloria B. keep
16 ownership of the Property, Garza and MINOGUE recommended that Gloria B. sell the
17 Property in a short sale¹ with ORI through MINOGUE as her listing agent.

18 9.

19 On or about May 14, 2019, Gloria B. and ORI through MINOGUE entered into
20 a Residential Listing Agreement whereby ORI through MINOGUE had the exclusive right to
21 sell the Property from May 14, 2019 to May 14, 2020 with a listing price of \$600,000. Despite
22 MINOGUE's fiduciary duties to Gloria B., MINOGUE let Garza communicate and negotiate
23 with Gloria B. about potential buyers, offers, costs, etc.

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27 ¹ A "short sale" is when an owner sells the property for less than what the owner owes on the mortgage.

1 10.

2 On or about June 26, 2019, John Thomas, LLC through John Refaat Habashy
3 (“Habashy”) (DRE broker license no. 01969431), a business associate of ORI and Garza,
4 submitted a Notice of Default Purchase Agreement to purchase the Property for \$525,000.
5 Habashy’s wife, Claudine Thomas, (“Thomas”) (DRE salesperson license no. 01955204)
6 signed this Notice of Default Purchase Agreement as the representative of John Thomas, LLC.²

7 11.

8 Garza, ORI, and MINOGUE recommended to Gloria B. that she sell the
9 property to John Thomas, LLC without informing her of their business relationship with
10 Habashy.

11 12.

12 On or about June 30, 2019, Gloria B. and Aaron B. accepted John Thomas,
13 LLC’s offer of \$525,000, as described in Paragraph 10, above.

14 13.

15 On or about July 12, 2019, escrow closed, and the Property was sold to John
16 Thomas, LLC for \$525,000.

17 14.

18 At no time before the close of escrow was Gloria B. informed that Habashy was
19 a business associate of ORI and Garza.

20 15.

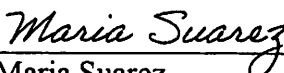
21 At no time before the close of escrow was Gloria B. informed that Habashy’s
22 wife, Thomas, owned John Thomas, LLC.

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24
25 ²John Thomas, LLC’s Articles of Organization filed with the California Secretary of State on or
26 about April 20, 2012 names Habashy as its initial agent for service of process. John Thomas,
27 LLC’s Articles of Organization filed with the California Secretary of State on or about July 20,
2017 names Thomas as a manager and agent for service of process, and describes the business
as “consulting.”

1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
4 Division 4 of the California Business and Professions Code) of Respondents OUTFIT
5 REALTY, INC. and RICHARD JOSEPH MINOGUE, individually and as designated officer of
6 Outfit Realty, Inc., for the cost of investigation and enforcement as permitted by law, and for
7 such other and further relief as may be proper under applicable provisions of law.

8 Dated at Los Angeles, California: 28, June 2022.

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11 Maria Suarez
12 Supervising Special Investigator
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24 cc: Outfit Realty, Inc.
25 Richard Joseph Minogue
26 Maria Suarez
27 Sacto.