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**FILED**

MAY 26 2023

DEPT. OF REAL ESTATE

By. 

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9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H-42501 LA  
13 ELIDA KARENA DIAZ MONTENEGRO, ) ACCUSATION  
14 Respondent. )  
15 \_\_\_\_\_ )

16 The Complainant, Jason Parson, a Supervising Special Investigator of the State  
17 of California, for cause of Accusation against ELIDA KARENA DIAZ MONTENEGRO,  
18 a.k.a. KARENA ELIDA DIAZ (“Respondent”), is informed and alleges as follows:

19 1.

20 The Complainant, Jason Parson, acting in his official capacity as a Supervising  
21 Special Investigator of the State of California, makes this Accusation against ELIDA KARENA  
22 DIAZ MONTENEGRO.

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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Accusation of Elida Karena Diaz Montenegro

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3.

Respondent ELIDA KARENA DIAZ MONTENEGRO presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson.

JURUPA VALLEY PROPERTY TRANSACTION

4.

On or about January 10, 2021, sellers J. Vigil and I. Anton entered into a Residential Listing Agreement with broker HomeQuest Real Estate Corp through agent Respondent to sell real property at for 5724 Avocet Drive, Jurupa Valley, California 91752 (“Jurupa Valley Property”).

5.

On or about February 26, 2021, buyers P. Reyes and J. Gamboa submitted an offer to purchase the Jurupa Valley Property through a signed Residential Purchase Agreement.

6.

On or about February 26, 2021, sellers J. Vigil and I. Anton made a counteroffer to buyers P. Reyes and J. Gamboa through a Seller Counter Offer No. 1. On or about February 26, 2021, buyers P. Reyes and J. Gamboa accepted and signed Seller Counter Offer No. 1.

7.

On or about March 4, 2021, escrow company Barringer Escrow sent an unsigned and unnotarized grant deed for the Jurupa Valley Property to sellers J. Vigil and I. Anton by email.

8.

On or about March 4, 2021, sellers J. Vigil and I. Anton signed the grant deed for the Jurupa Valley Property and sent the signed grant deed to escrow company Barringer Escrow by email. Sellers J. Vigil and I. Anton did not get the grant deed notarized.

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9.

On or about March 4, 2021, escrow company Barringer Escrow sent the signed but unnotarized grant deed for the Jurupa Valley Property to Respondent.

10.

On or about March 4, 2021, Respondent, a licensed notary public, improperly notarized the signed grant deed for the Jurupa Valley Property without obtaining the fingerprints of sellers J. Vigil and I. Anton, and without obtaining the signatures in the notary book of sellers J. Vigil and I. Anton.

11.

On or about March 4, 2021, Respondent sent the improperly notarized grant deed for the Jurupa Valley Property to escrow company Barringer Escrow. Respondent did not inform Barringer Escrow that the grant deed had been improperly notarized.

TRI-COUNTIES ASSOCIATION OF REALTORS DISCIPLINE

12.

On or about June 1, 2021, sellers J. Vigil and I. Anton filed a Disciplinary Complaint with the Tri-Counties Association of Realtors against Respondent and broker HomeQuest Real Estate Corp regarding the Jurupa Valley Property transaction (“Disciplinary Complaint”).

13.

On or about June 21, 2021, Respondent filed a Response with the Tri-Counties Association of Realtors, which stated in part, “In good faith and as part of the conditions on the transaction I notarized the Grant Deed and when asked them to sign [sic] my notary book and for their fingerprints J[]. Vigil said he was running late to work and that they had to leave. I emailed a copy to escrow in Good Faith as it was a condition and part of the seller’s package but the original Grant Deed is VOID and in my Brokers file since they declined to sign my notary book and put their fingerprints as it is required for any notarization.”

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14.

On or about August 11, 2021, the Hearing Panel of the Tri-Counties Association of Realtors (“Hearing Panel”), in TRICO Case No. E-2-21, held a hearing regarding the Disciplinary Complaint. The Hearing Panel issued a Decision and Findings of Fact and Recommendations of Hearing Panel, holding that Respondent was in violation of Articles 1 and 9 of the Code of Ethics.

15.

On or about September 22, 2021, the Board of Directors of the Tri-Counties Association of Realtors adopted the Decision and Findings of Fact and Recommendations of Hearing Panel.

FIRST CAUSE OF ACTION

FRAUD AND DISHONEST DEALING

16.

The conduct, acts, and omissions of Respondent, as described in Paragraphs 4 through 15 above, are in violation of Code section 10177(d), 10177(g), and/or 10177(j) and constitute cause under Code sections 10177(d), 10177(g), and/or 10177(j) for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent.

17.


Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, 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 the investigation and enforcement of the case.

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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 the licenses, license endorsements, and license rights of  
4 Respondent ELIDA KARENA DIAZ MONTENEGRO under the Real Estate Law, for the cost  
5 of investigation and enforcement as permitted by law, and for such other and further relief as  
6 may be proper under other applicable provisions of law.

7  
8 Dated at Los Angeles, California

9 this 25th day of May, 2023

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11 \_\_\_\_\_  
12 Jason Parson  
13 Supervising Special Investigator

14 cc: ELIDA KARENA DIAZ MONTENEGRO  
15 HomeQuest Real Estate Corp  
16 Jason Parson  
17 Sacto.