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FILED

DEC 18 2023

DEPT. OF REAL ESTATE

By- [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-42623 LA
	)	
PACIFIC WEST	)	<u>A C C U S A T I O N</u>
HOMES & INVESTMENTS INC and	)	
DEREK GEORGE HAYMOND,	)	
individually and as designated officer of	)	
Pacific West Homes & Investments Inc,	)	
	)	
Respondents.	)	
	)	

The Complainant, Jason Parson, a Supervising Special Investigator of the State of California, for cause of Accusation against PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND, individually and as designated officer of Pacific West Homes & Investments Inc, ("Respondents"), is informed and alleges as follows:

1.

The Complainant, Jason Parson, acting in his official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondents PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND.

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Accusation of PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND

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.

#### LICENSE HISTORY

3.

Respondent PACIFIC WEST HOMES & INVESTMENTS INC ("PACIFIC WEST") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a restricted corporate real estate broker. The Department of Real Estate ("Department") assigned real estate license number 02007518 to PACIFIC WEST.

4.

Respondent DEREK GEORGE HAYMOND ("HAYMOND") presently has license rights as a restricted real estate broker. The Department assigned real estate license number 01359608 to HAYMOND.

5.

Respondent PACIFIC WEST is licensed by the Department of Real Estate ("Department") as a restricted corporate real estate broker by and through Respondent HAYMOND, as the restricted designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of PACIFIC WEST, or by PACIFIC WEST'S officers, agents and employees.

#### UNLICENSED PERSON

6.

Walter Steven Nevarez ("Steven Nevarez") is not now, and has never been, licensed by the Department in any capacity.

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1 SECRETARY OF STATE

2 7.

3 On or about March 15, 2016, Articles of Incorporation were filed with the  
4 Secretary of State of the State of California for Respondent PACIFIC WEST. The Articles of  
5 Incorporation listed Steven Nevarez as the Agent for Service of Process.

6 8.

7 On or about July 20, 2020, a Statement of Information was filed with the  
8 Secretary of State for Respondent PACIFIC WEST. The Statement of Information listed  
9 Respondent HAYMOND as the Chief Financial Officer, Steven Nevarez as the Chief  
10 Executive Officer, Director, and Agent for Service of Process, and Lilia Nancy Nevarez as the  
11 Secretary.

12 9.

13 On or about August 24, 2021, a Statement of Information was filed with the  
14 Secretary of State for Respondent PACIFIC WEST. The Statement of Information listed  
15 Respondent HAYMOND as the Chief Executive Officer, Chief Financial Officer, Director, and  
16 Agent for Service of Process, and Lilia Nancy Nevarez as the Secretary.

17 PRIOR LICENSE DISCIPLINE

18 10.

19 On or about May 26, 2020, the Department filed an Accusation against  
20 Respondents PACIFIC WEST and HAYMOND in Case No. H-41682 LA.

21 11.

22 On or about June 18, 2020, the Department filed an Order to Desist and Refrain  
23 against Respondents PACIFIC WEST, HAYMOND, and Steven Nevarez in Case  
24 No. H-41699 LA.

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Accusation of PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND

12.

On or about June 3, 2021, the Real Estate Commissioner in Case Nos. H-41682 LA and H-41699 LA adopted as his Decision ("Decision") effective on or about July 9, 2021, a Stipulation and Agreement entered on or about May 3, 2021, by Respondents PACIFIC WEST, HAYMOND, Nevarez and the Department where PACIFIC WEST, HAYMOND, and Nevarez stipulated to the acts and omissions in the Accusation and Order to Desist and Refrain as grounds for disciplinary action in that: PACIFIC WEST violated Code sections 10148 and 10159.5 and Regulations sections 2731 and 2742(c) and HAYMOND violated Code section 10159.2 and Regulations section 2725. The Decision provided that PACIFIC WEST'S corporate real estate broker license was revoked and that PACIFIC WEST would be issued a restricted corporate real estate broker license if it complied with certain conditions such as submitting an application within 90 days of the effective date. The Decision provided that HAYMOND'S real estate broker license was revoked and that HAYMOND would be issued a restricted real estate broker license if he complied with certain conditions such as submitting an application within 90 days of the effective date. The Decision also provided that, "All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents provides [sic] proof satisfactory to the Commissioner, of having paid, jointly or severally, the amounts of \$20,000.00 in total restitution to Rhett Martin and \$19,000.00 in total restitution to Maria Perez."

13.

Respondents PACIFIC WEST and HAYMOND failed to pay restitution of \$19,000 to Maria Perez.

14.

On or about July 9, 2021, Respondent PACIFIC WEST'S corporate real estate broker license was revoked.

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15.

On or about July 9, 2021, Respondent HAYMOND'S real estate broker and designated officer licenses were revoked.

16.

On or about October 12, 2021, Respondent PACIFIC WEST made application to the Department for a restricted corporate real estate broker license.

17.

On or about October 12, 2021, Respondent HAYMOND made application to the Department for a restricted real estate broker license.

18.

On or about October 22, 2021, the Department issued Respondent PACIFIC WEST a restricted corporate real estate broker license.

19.

On or about October 22, 2021, the Department issued Respondent HAYMOND a restricted real estate broker license and a restricted designated officer license.

#### SUSPENSION OF ALL LICENSES FOR FAILURE TO PAY RESTITUTION

20.

On or about October 22, 2021, all licenses and licensing rights of Respondent PACIFIC WEST, including the restricted corporate real estate broker license, remained indefinitely suspended for failure to meet the conditions of the Decision, including payment of restitution of \$19,000 to Maria Perez.

21.

On or about October 22, 2021, all licenses and licensing rights of Respondent HAYMOND, including the restricted real estate broker and restricted designated officer licenses, remained indefinitely suspended for failure to meet the conditions of the Decision, including payment of restitution of \$19,000 to Maria Perez.

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1 UNLICENSED REAL ESTATE ACTIVITY

2 PURCHASE OF CONEJO PROPERTY

3 22.

4 On or about August 16, 2021, Steven Nevarez submitted an offer to purchase  
5 real property at 739 Conejo Dr, San Bernardino, California ("Conejo property") through a  
6 signed Residential Purchase Agreement from buyers J. Lira and S. Lira, represented by  
7 Respondent PACIFIC WEST through Respondent HAYMOND, to sellers S. Claus and  
8 M. Claus, represented by Ken Scott. Steven Nevarez submitted the offer to Ken Scott by email  
9 using the email address wsnhomes@yahoo.com. The from field of the email said, "STEVEN  
10 NEVAREZ' <wsnhomes@yahoo.com>". The bottom of the email said, "Derek Haymond  
11 Broker / W. Steven Nevarez / CEO, Pacific West Homes & Investments Inc., Dcapital  
12 Mortgage LLC, Cell- (310) 800-1110, Email- wsnhomes@yahoo.com, Calbre # 02007518 /  
13 01356908". The Department assigned real estate license number 01356908 to Karim Prince  
14 Adesanya, not PACIFIC WEST, HAYMOND, or Steven Nevarez.

15 23.

16 Seller's agent Ken Scott attempted to communicate with Respondent  
17 HAYMOND about the Conejo property transaction, but was unsuccessful. Ken Scott called  
18 Respondents PACIFIC WEST and HAYMOND and asked for HAYMOND, but was  
19 transferred to Steven Nevarez. Ken Scott sent an email to HAYMOND, and Steven Nevarez  
20 replied to the email. In text messages, Steven Nevarez tried to represent himself as  
21 HAYMOND to Ken Scott.

22 24.

23 On or about September 30, 2021, Steven Nevarez sent an email to Ken Scott  
24 regarding the Conejo property transaction using the email address wsnhomes@yahoo.com.  
25 The from field of the email said, "STEVEN NEVAREZ' <wsnhomes@yahoo.com>". The  
26 bottom of the email said, "W. Steven Nevarez / CEO, Pacific West Homes & Investments Inc.,  
27 Cell- (310) 800-1110, Email- wsnhomes@yahoo.com, Calbre # 02007518".

Accusation of PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND

1 25.

2 On or about October 7, 2021, the Conejo property transaction closed.

3 PURCHASE OF 18250 KENWOOD PROPERTY

4 26.

5 On or about September 26, 2021, Steven Nevarez submitted an offer to purchase  
6 real property at 18250 W Kenwood Ave, San Bernardino, California 92407 ("18250 Kenwood  
7 property") through a signed Residential Purchase Agreement from buyers D. Rubio and  
8 R. Rubio, represented by Respondent PACIFIC WEST through Respondent HAYMOND, to  
9 seller D. Haensly Revocable Trust, represented by Lana Lynn Stephens.

10 27.

11 Steven Nevarez told seller's agent Lana Lynn Stephens that Steven Nevarez was  
12 the buyers' agent for the 18250 Kenwood property transaction and that Steven Nevarez was an  
13 agent for broker Respondent PACIFIC WEST. Lana Lynn Stephens never communicated with  
14 Respondent HAYMOND.

15 28.

16 On or about October 7, 2021, seller D. Haensly Revocable Trust signed an  
17 Instructions to Pay Commission for the 18250 Kenwood property transaction. The Instructions  
18 to Pay Commission provided instructions to disburse \$7,647.75 to Respondent PACIFIC  
19 WEST.

20 29.

21 On or about November 18, 2021, seller D. Haensly Revocable Trust and buyers  
22 D. Rubio and R. Rubio signed an Addendum that credited Respondents PACIFIC WEST'S and  
23 HAYMOND'S commission for the 18250 Kenwood property transaction to buyers D. Rubio  
24 and R. Rubio.

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30.

On or about November 23, 2021, the 18250 Kenwood property transaction closed. Respondents PACIFIC WEST'S and HAYMOND'S commission of \$7,647.75 for the 18250 Kenwood property transaction was debited from seller D. Haensly Revocable Trust and credited to buyers D. Rubio and R. Rubio.

#### PURCHASE OF 18012 KENWOOD PROPERTY

31.

On or about October 18, 2021, Steven Nevarez submitted an offer to purchase real property at 18012 W Kenwood Ave, San Bernardino, California 92407 ("18012 Kenwood property") through a signed Residential Purchase Agreement from buyer D. Alvarez, represented by Respondent PACIFIC WEST through Respondent HAYMOND, to sellers T. Docis and L. Haden, represented by Francisco Eduardo Abundis Lomelin. Steven Nevarez submitted the offer to Francisco Eduardo Abundis Lomelin by email using the email address wsnhomes@yahoo.com. The from field of the email said, "STEVEN NEVAREZ' <wsnhomes@yahoo.com>". The bottom of the email said, "Derek Haymond Broker / W. Steven Nevarez / CEO, Pacific West Homes & Investments Inc., Dcapital Mortgage LLC, Cell- (310) 800-1110, Email- wsnhomes@yahoo.com, Corp.Calbre # 02007518 /01356908, NMLS# 1537000". The Department assigned real estate license number 01356908 to Karim Prince Adesanya, not PACIFIC WEST, HAYMOND, or Steven Nevarez. Nationwide Multistate Licensing System identification number 1537000 was assigned to Platinum M.G. Holdings, LLC and D Capital Mortgage, not PACIFIC WEST, HAYMOND, or Steven Nevarez.

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32.

On or about October 18, 2021, Steven Nevarez sent a letter by email with the title "LOAN PRE-APPROVAL" to Francisco Eduardo Abundis Lomelin using the email address wsnhomes@yahoo.com. Steven Nevarez signed the loan pre-approval letter. The signature block of the loan pre-approval letter said, "W. Steven Nevarez, NMLS# 1537000, snevarez@dcapitalmtg.com". Nationwide Multistate Licensing System identification number 1537000 was assigned to Platinum M.G. Holdings, LLC and D Capital Mortgage, not Steven Nevarez.

33.

Steven Nevarez told seller's agent Francisco Eduardo Abundis Lomelin that Steven Nevarez was the buyer's agent for the 18012 Kenwood property transaction. Francisco Eduardo Abundis Lomelin never spoke or texted with Respondent HAYMOND.

34.

On or about November 22, 2021, sellers T. Docis and L. Haden signed an Instructions to Pay Commission for the 18012 Kenwood property transaction. The Instructions to Pay Commission provided instructions to disburse \$8,000.00 to Respondents PACIFIC WEST and HAYMOND.

35.

On or about November 16, 2021, Steven Nevarez sent an email regarding the 18012 Kenwood property transaction to Francisco Eduardo Abundis Lomelin using the email address wsnhomes@yahoo.com. The from field of the email said, "STEVEN NEVAREZ <wsnhomes@yahoo.com>". Steven Nevarez wrote, "we'll pay \$400.00 for the rate extension."

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1 36.

2 On or about December 17, 2021, Steven Nevarez sent an email regarding the  
3 18012 Kenwood property transaction using the email address snevarez@dcapitalmtg.com. The  
4 from field of the email said, "Steven Nevarez <snevarez@dcapitalmtg.com>". The bottom of  
5 the email said, "V.P. Of Production / Steven Nevarez, D CAPITAL MORTGAGE,  
6 NMLS ID 1537000, 626.393.8463, Snevarez@dcapitalmtg.com".

7 37.

8 On or about December 21, 2021, Respondents PACIFIC WEST, HAYMOND,  
9 and buyer D. Alvarez signed an Amended Escrow Instructions that credited PACIFIC WEST'S  
10 and HAYMOND'S commission of \$8,000.00 for the 18012 Kenwood property transaction to  
11 buyer D. Alvarez.

12 38.

13 On or about December 21, 2021, Steven Nevarez sent an email regarding the  
14 18012 Kenwood property transaction using the email address wsnhomes@yahoo.com. The  
15 from field of the email said, "STEVEN NEVAREZ <wsnhomes@yahoo.com>". The bottom  
16 of the email said, "W. Steven Nevarez / CEO, Pacific West Homes & Investments Inc., Cell-  
17 (310) 800-1110, Email- wsnhomes@yahoo.com, Corp.Calbre # 02007518". The bottom of the  
18 email said, "Derek Haymond Broker / W. Steven Nevarez / CEO, Pacific West  
19 Homes & Investments Inc., Dcapital Mortgage LLC, Cell- (310) 800-1110,  
20 Email- wsnhomes@yahoo.com, Corp.Calbre # 02007518 /01356908, NMLS# 1537000".

21 39.

22 On or about December 22, 2021, Steven Nevarez sent an email regarding the  
23 18012 Kenwood property transaction to Francisco Eduardo Abundis Lomelin using the email  
24 address wsnhomes@yahoo.com. The from field of the email said, "STEVEN NEVAREZ  
25 <wsnhomes@yahoo.com>". The bottom of the email said, "W. Steven Nevarez / CEO, Pacific  
26 West Homes & Investments Inc., Cell- (310) 800-1110, Email- wsnhomes@yahoo.com,  
27 Corp.Calbre # 02007518".

Accusation of PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND

1 40.

2 On or about December 27, 2021, Steven Nevarez sent an email regarding the  
3 18012 Kenwood property transaction using the email address snevarez@dcapitalmtg.com. The  
4 from field of the email said, "Steven Nevarez <snevarez@dcapitalmtg.com>". The bottom of  
5 the email said, "Steven Nevarez, D CAPITAL MORTGAGE, NMLS ID 1537000,  
6 626.393.8463, Snevarez@dcapitalmtg.com".

7 41.

8 On or about December 27, 2021, Steven Nevarez sent an email regarding the  
9 18012 Kenwood property transaction to Francisco Eduardo Abundis Lomelin using the email  
10 address wsnhomes@yahoo.com. The from field of the email said, "STEVEN NEVAREZ  
11 <wsnhomes@yahoo.com>". Steven Nevarez wrote, "it's unfortunate that this proper ty [sic]  
12 fell out of escrow before we came in and now saved it."

13 42.

14 On or about December 27, 2021, the 18012 Kenwood property transaction  
15 closed. Respondents PACIFIC WEST'S and HAYMOND'S commission of \$8,000.00 for the  
16 18012 Kenwood property transaction was debited from sellers T. Docis and L. Haden and  
17 credited to buyer D. Alvarez.

18 43.

19 On or about January 17, 2022, Respondent PACIFIC WEST deposited three  
20 money orders in the amount of \$1,000 each for a total of \$3,000 for the 18012 Kenwood  
21 property transaction. The words "Closing Payment" were written on each of the three money  
22 orders.

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SALE OF COMPTON PROPERTY

44.

On or about May 9, 2022, sellers S. Peoples and J. Harvey-Peoples entered into a Residential Listing Agreement with Respondent PACIFIC WEST through Respondent HAYMOND to sell real property at 920 Tajauta Ave, Compton, California 90220 ("Compton property").

45.

On or about May 10, 2022, Respondents PACIFIC WEST and HAYMOND listed the Compton property in the Multiple Listing Service. Under the Showing Information section of the listing, PACIFIC WEST and HAYMOND wrote for show contact name "STEVEN", for show contact phone "626.393.8463", and for show instructions "PLEASE SEND OFFER TO Snevarez@dcapitalmtg.com". Under the Agent/Office section of the listing, PACIFIC WEST and HAYMOND wrote for offers email "wsnhomes@yahoo.com".

46.

On or about May 20, 2022, buyers A. Delgadillo, Y. Trujillo, J. Vazquez, and M. Cholico, represented by Wendy Tejeda, submitted an offer to purchase the Compton property through a signed Residential Purchase Agreement to sellers S. Peoples and J. Harvey-Peoples, represented by Respondent PACIFIC WEST through Respondent HAYMOND.

47.

Buyer's agent Wendy Tejeda attempted to communicate with Respondent HAYMOND about the Compton property transaction, but was unsuccessful. Wendy Tejeda called Respondents PACIFIC WEST and HAYMOND and left a voicemail, but never received a response. Wendy Tejeda's contact person for the Compton property transaction was Steven Nevarez at (626) 393-8493 and snevarez@dcapitalmtg.com.

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1 48.

2 On or about May 20, 2022, Steven Nevarez sent an email regarding the  
3 Compton property transaction using the email address wsnhomes@yahoo.com. The from field  
4 of the email said, "STEVEN NEVAREZ <wsnhomes@yahoo.com>". The bottom of the email  
5 said, "W. Steven Nevarez / CEO, Pacific West Homes & Investments Inc.,  
6 Cell- (310) 800-1110, Email- wsnhomes@yahoo.com, Corp.Calbre # 02007518".

7 49.

8 On or about June 2, 2022, sellers S. Peoples and J. Harvey-Peoples signed an  
9 Instructions to Pay Commission for the Compton property transaction. The Instructions to Pay  
10 Commission provided instructions to disburse \$20,300.00 to Respondents PACIFIC WEST and  
11 HAYMOND.

12 50.

13 On or about June 24, 2022, Respondents PACIFIC WEST and HAYMOND  
14 signed the Residential Purchase Agreement for the Compton property transaction.

15 51.

16 Respondents PACIFIC WEST and HAYMOND signed a Commission Wiring  
17 Instructions for \$20,300.00 with PACIFIC WEST'S bank account information at Wells Fargo  
18 Bank, NA, bank account ending in 869, for the Compton property transaction.

19 52.

20 On or about July 11, 2022, the Compton property transaction closed.

21 53.

22 On or about July 12, 2022, Trust One Escrow sent a wire transfer in the amount  
23 of \$20,300.00 to Respondent PACIFIC WEST'S bank account at Wells Fargo Bank, NA, bank  
24 account ending in 869, for commission for Compton property transaction.

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1 REQUEST FOR RECORDS

2 54.

3 On or about January 5, 2023, the Department served Wells Fargo Bank, NA,  
4 with a subpoena for the production of records related to bank account ending in 869 used by  
5 Respondents PACIFIC WEST, HAYMOND, and Steven Nevarez.

6 55.

7 On or about February 6, 2023, Wells Fargo Bank, NA, provided the Department  
8 with records related to bank account ending in 869 used by Respondents PACIFIC WEST,  
9 HAYMOND, and Steven Nevarez. The records indicated that PACIFIC WEST was the sole  
10 owner of bank account ending in 869 and Steven Nevarez was a signer. The records indicated  
11 that on or about January 17, 2022, PACIFIC WEST deposited three money orders in the  
12 amount of \$1,000 each for a total of \$3,000 for the 18012 Kenwood property transaction. The  
13 records indicated that on or about July 12, 2022, PACIFIC WEST received a wire transfer from  
14 Trust One Escrow in the amount of \$20,300.00 for Compton property transaction.

15 FIRST CAUSE OF ACTION

16 ENGAGING IN LICENSED ACTIVITY WITHOUT A VALID LICENSE

17 56.

18 The conduct, acts, and omissions of Respondents PACIFIC WEST and  
19 HAYMOND, as described in Paragraphs 3 through 55 above, are in violation of Code  
20 sections 10130, 10137, 10177(d), 10177(g), and/or 10177(k) and constitute cause under Code  
21 sections 10137, 10177(d), 10177(g), and/or 10177(k) for the suspension or revocation of all the  
22 licenses, license endorsements, and license rights of PACIFIC WEST and HAYMOND.

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Accusation of PACIFIC WEST HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND

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### THIRD CAUSE OF ACTION

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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 and license rights of Respondents PACIFIC WEST  
4 HOMES & INVESTMENTS INC and DEREK GEORGE HAYMOND under the Real Estate  
5 Law, for the cost of investigation and enforcement as permitted by law, and for such other and  
6 further relief as may be proper under other applicable provisions of law.

7  
8 Dated at Los Angeles, California

9 this 14th day of December, 20 23

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11   
12 Jason Parson  
13 Supervising Special Investigator

14 cc: PACIFIC WEST HOMES & INVESTMENTS INC  
15 DEREK GEORGE HAYMOND  
16 Jason Parson  
17 Sacto.  
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