

1 STEVE CHU, Counsel (SBN 238155)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 620-6430
6 Fax: (213) 576-6917

FILED

AUG - 6 2024

DEPT. OF REAL ESTATE
By [Redacted]

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

11 * * *

12 In the Matter of the Accusation of) No. H-42694 LA
13 CA DREAM HOME GROUP INC.,)
14 doing business as) SECOND AMENDED
15 Evernest Mortgage Advisors and) ACCUSATION
16 Evernest Real Estate Advisors,)
17 CARLOS ESCARCEGA,)
18 individually and as designated officer of)
19 CA Dream Home Group Inc., and)
20 ROMAN MARTIN III,)
21 Respondents.)

22 This Second Amended Accusation amends the First Amended Accusation filed
23 on July 18, 2024. The Complainant, Ray Dagnino, a Supervising Special Investigator of the
24 State of California, for cause of Accusation against CA DREAM HOME GROUP INC., doing
25 business as Evernest Mortgage Advisors and Evernest Real Estate Advisors, CARLOS
26 ESCARCEGA, individually and as designated officer of CA Dream Home Group Inc., and
27 ROMAN MARTIN III ("Respondents"), is informed and alleges as follows:

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Second Amended Accusation of CA DREAM HOME GROUP INC., CARLOS ESCARCEGA,
and ROMAN MARTIN III

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The Complainant, Ray Dagnino, acting in his official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondents CA DREAM HOME GROUP INC., CARLOS ESCARCEGA, and ROMAN MARTIN III.

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 CA DREAM HOME GROUP INC. ("CA DREAM HOME GROUP") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker. CA DREAM HOME GROUP also has a company mortgage loan originator license endorsement.

4.

Respondent CARLOS ESCARCEGA ("ESCARCEGA") presently has license rights as a real estate broker. ESCARCEGA also has a company mortgage loan originator license endorsement and an individual mortgage loan originator license endorsement.

5.

From about July 29, 2019, to the present, Respondent CA DREAM HOME GROUP is licensed by the Department of Real Estate ("Department") as a corporate real estate broker by and through Respondent ESCARCEGA, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of CA DREAM HOME GROUP, or by CA DREAM HOME GROUP'S officers, agents and employees.

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6.

Respondent ROMAN MARTIN III (“MARTIN”) presently has license rights as a real estate salesperson.

LOS ANGELES PROPERTY TRANSACTION

7.

On or about July 15, 2020, seller H. Diaz entered into a Residential Listing Agreement with broker Respondent CA DREAM HOME GROUP through agent Respondent MARTIN to sell real property at 2427 Budau Avenue, Los Angeles, California 90032 (“Los Angeles property”).

8.

Respondents CA DREAM HOME GROUP and MARTIN failed to provide a copy of the Residential Listing Agreement to seller H. Diaz.

9.

On or about July 20, 2020, buyers I. Bautista and M. Alvarez submitted an offer to broker Respondent CA DREAM HOME GROUP through agent Respondent MARTIN to purchase the Los Angeles property through a signed Residential Purchase Agreement. On or about July 21, 2020, seller H. Diaz signed the Residential Purchase Agreement.

10.

On or about July 25, 2020, Respondent MARTIN signed the Real Estate Transfer Disclosure Statement.

11.

On or about August 20, 2020, the Los Angeles property transaction closed.

12.

On or about August 21, 2020, escrow company Seller’s Choice Escrow, Inc. made payment of \$12,655 as commission to Respondent CA DREAM HOME GROUP for the Los Angeles property transaction.

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Seller H. Diaz had no communication with Respondent MARTIN regarding the Los Angeles property transaction, and instead solely communicated with Juan Licea.

REQUEST FOR RECORDS

14.

On or about September 14, 2022, the Department requested from Respondents CA DREAM HOME GROUP and ESCARCEGA records related to the Los Angeles property transaction.

15.

On or about October 11, 2022, the attorney for Respondents CA DREAM HOME GROUP, ESCARCEGA, and MARTIN sent an email to the Department which said in part, "Mr. Martin recalls that his communication with Mr. Diaz was either in person or over the telephone" and "There was no commission payment to Mr. Martin for this transaction."

16.

On or about November 4, 2022, the Department served Respondents CA DREAM HOME GROUP and ESCARCEGA with a subpoena for the production of records related to the Los Angeles property transaction.

17.

On or about November 4, 2022, Respondents CA DREAM HOME GROUP and ESCARCEGA submitted some documents related to Los Angeles property transaction, but failed to submit to the Department the Residential Listing Agreement.

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1 FIRST CAUSE OF ACTION

2 NEGLIGENCE OR INCOMPETENCE

3 18.

4 The conduct, acts, and omissions of Respondents CA DREAM HOME GROUP
5 and MARTIN, as described in Paragraphs 3 through 17 above, are in violation of section 10142
6 and constitute cause under Code sections 10177(d) and/or 10177(g) for the suspension or
7 revocation of all the licenses, license endorsements, and license rights of CA DREAM HOME
8 GROUP and MARTIN.

9 SECOND CAUSE OF ACTION

10 FAILURE TO RETAIN RECORDS

11 19.

12 The conduct, acts, and omissions of Respondent CA DREAM HOME GROUP,
13 as described in Paragraphs 3 through 17 above, in failing to retain and make available for
14 examination, copying, and inspection the records related to the Los Angeles property
15 transaction, are in violation of Code section 10148 and constitute cause under Code
16 sections 10177(d) and/or 10177(g) for the suspension or revocation of all the licenses, license
17 endorsements, and license rights of CA DREAM HOME GROUP.

18 THIRD CAUSE OF ACTION

19 FRAUD AND DISHONEST DEALING

20 20.

21 The conduct, acts, and omissions of Respondents CA DREAM HOME GROUP,
22 ESCARCEGA, and MARTIN, as described in Paragraphs 3 through 17 above, are in violation
23 of Code section 10177(d), 10177(g), and/or 10177(j) and constitute cause under Code
24 sections 10177(d), 10177(g), and/or 10177(j) for the suspension or revocation of all the
25 licenses, license endorsements, and license rights of CA DREAM HOME GROUP,
26 ESCARCEGA, and MARTIN.

27 Second Amended Accusation of CA DREAM HOME GROUP INC., CARLOS ESCARCEGA,
and ROMAN MARTIN III

1 FOURTH CAUSE OF ACTION

2 FAILURE TO SUPERVISE

3 21.

4 The conduct, acts, or omissions of Respondent ESCARCEGA, as described in
5 Paragraphs 3 through 16, in failing to ensure compliance of the Real Estate Law by
6 Respondents CA DREAM HOME GROUP and MARTIN, are in violation of Code
7 section 10159.2 and Regulations section 2725 and constitute cause under Code
8 sections 10177(d), 10177(g), and/or 10177(h) for the suspension or revocation of all the
9 licenses, license endorsements, and license rights of ESCARCEGA.

10 22.

11 Code section 10106 provides, in pertinent part, that in any order issued in
12 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner
13 may request the administrative law judge to direct a licensee found to have committed a
14 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and
15 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 Respondents CA DREAM HOME GROUP INC., CARLOS ESCARCEGA, and ROMAN
5 MARTIN III under the Real Estate Law, for the cost of investigation and enforcement as
6 permitted by law, and for such other and further relief as may be proper under other applicable
7 provisions of law.

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9 Dated at Los Angeles, California

10 this 2nd day of August, 2024

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12 _____
13 Ray Dagnino
14 Supervising Special Investigator

15 cc: CA DREAM HOME GROUP INC.
16 CARLOS ESCARCEGA
17 ROMAN MARTIN III
18 Ray Dagnino
19 Sacto.

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Second Amended Accusation of CA DREAM HOME GROUP INC., CARLOS ESCARCEGA,
and ROMAN MARTIN III