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DEPARTMENT OF REAL ESTATE
By L. Mat.

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-4401 SD
13 JOSE R. SANCHEZ,)
14 Respondent.) ACCUSATION

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16 The Complainant, VERONICA KILPATRICK, in her official capacity as a
17 Deputy Real Estate Commissioner of the State of California, ("Complainant"), for Accusation
18 against JOSE R. SANCHEZ ("Respondent"), is informed and alleges as follows:

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20 At all times mentioned, Respondent was and now is licensed by the State of
21 California Department of Real Estate, ("the Department"), as a real estate broker.

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23 On or about July 18, 2011, Respondent contacted Thuy R. about managing her
24 rental real property located at 2190 Berryland Court, Lemon Grove, California. On or about
25 July 17, 2011, Respondent collected a check for \$1,625 from Mohammed S. and Reshma S. as a
26 deposit on the Berryland Court property on behalf of Thuy R. On or about July 20, 2011, Thuy
27 R. reviewed the proposed month-to-month rental agreement with Mohammed S. and Reshma

1 S., but did not sign the document. Instead, Thuy R. instructed Respondent to hold the deposit
2 check until a credit report was received for Mohammed S. and Reshma S. On or about July 21,
3 2011, Respondent cashed the deposit check from Mohammed S. and Reshma S. On or about
4 July 25, 2011, Thuy R. informed Respondent that Mohammed S. and Reshma S. did not qualify
5 as tenants. On or about July 26, 2011, Mohammed S. and Reshma S. cancelled the rental
6 agreement and demanded the return of their deposit. To date, Respondent has not returned the
7 money paid to him by Mohammed S. and Reshma S.

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9 The acts and/or omissions of Respondent as set forth in Paragraph 2, above,
10 violate Sections 10145 (trust fund handling) and 10145(a)(1) (deposit of trust funds into trust
11 account) of the Code, and Section 2832 (trust fund handling) of Title 10, Chapter 6, California
12 Code of Regulations ("the Regulations"), and are grounds for the revocation or suspension of
13 Respondent's real estate license and license rights under Sections 10176(a) (substantial
14 misrepresentation), 10176(i) (fraud or dishonest dealing), and 10177(d) (willful disregard of real
15 estate law) and/or 10177(g) (negligence or incompetence) of the Code.

16 SECOND CAUSE OF ACTION

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18 On or about November 29, 2011, Respondent informed the Department that he
19 did not maintain an accounting ledger, bank statements or trust account documents related to his
20 real estate broker activities.

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22 The acts and/or omissions of Respondent as set forth in Paragraph 4, above,
23 violate Section 10145(g) (maintenance of separate records for receipt and disposition of trust
24 funds) of the Code, and Section 2831 (maintenance of trust account records) of the Regulations,
25 and are grounds for the revocation or suspension of Respondent's real estate license and license
26 rights under Sections 10177(d) (willful disregard of real estate law) and/or 10177(g) (negligence
27 or incompetence) of the Code.

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COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, for the reasonable cost of investigation and prosecution of this case, including agency attorney's fees, and for such other and further relief as may be proper under other provisions of law.


VERONICA KILPATRICK
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 17 day of August, 2012.