

FILED

FEB 21 2012

DEPARTMENT OF REAL ESTATE
BY: Hustake Allen

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)

No. H-37898 LA

12 RAQUEL GUZMAN,)

A C C U S A T I O N

13 Respondent.)
14

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against RAQUEL GUZMAN, alleges as follows:

18 1.

19 The Complainant, Robin Trujillo, acting in her official
20 capacity as a Deputy Real Estate Commissioner of the State of
21 California, makes this Accusation against RAQUEL GUZMAN.

22 2.

23 All references to the "Code" are to the California
24 Business and Professions Code and all references to "Regulations"
25 are to Title 10, Chapter 6, California Code of Regulations.

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LICENSE HISTORY

3.

A. RAQUEL GUZMAN ("Respondent") is presently licensed and/or has license rights issued by the Department of Real Estate ("Department") as a real estate salesperson. Respondent was first licensed as a salesperson on April 27, 2006.

B. From February 6, 2007 to August 30, 2009, Respondent was licensed under the employ of broker Evans/Sipes Inc. From August 21, 2009 to July 25, 2011, Respondent was licensed under the employ of broker Vivaldi Holdings Inc.

C. On or about June 27, 2008, Respondent filed a Fictitious Business Name Statement with the Ventura County Clerk and Recorder, naming Respondent as the registrant for "Bookkeeping & Business Services".

D. Bookkeeping & Business Services is not now, nor has it ever been, licensed by the Department in any capacity.

4.

At all times mentioned, in the City of Oxnard, County of Ventura, Respondent conducted activities requiring a broker license within the meaning of Code Section 10131(b): collecting rents from real property or improvements thereon.

AUDIT

RAQUEL GUZMAN

5.

On November 30, 2011, the Department completed an audit examination of the books and records of Respondent pertaining to the activities described in Paragraph 4 which require a real

1 estate license. The audit examination covered a period of time
2 from January 1, 2009 to June 30, 2011. The audit examination
3 revealed violations of the Code and the Regulations as set forth
4 in the following paragraphs, and as more fully discussed in Audit
5 Report LA100277 and the exhibits and workpapers attached to said
6 audit report.

7 VIOLATIONS OF THE REAL ESTATE LAW

8 6.

9 In the course of activities described in Paragraph 4
10 above and during the examination period described in Paragraph 5,
11 Respondent acted in violation of the Code and the Regulations in
12 that:

13 (a) Respondent conducted property management activity,
14 including collecting rents, depositing rents in her operating
15 account and receiving compensation, independent of her employing
16 brokers, in violation of Code Sections 10130 and 10137.

17 (b) Respondent commingled trust funds with her own
18 funds in her operating account. In some instances the daily
19 balance of Respondent's operating accounting dropped below the
20 total amount of trust funds, in violation of Code Section
21 10176(e).

22 (c) Respondent failed to reveal to her employer the
23 full amount of her compensation under any agreement authorizing
24 the licensee to do any acts for which a license is required, in
25 violation of Code Section 10176(g).

26 (d) Respondent used the fictitious business name
27 "Bookkeeping & Business Services" in connection with property

1 management activity without a license bearing such fictitious
2 business name, in violation of Code Section 10159.5 and
3 Regulation 2731.

4 7.

5 The conduct of Respondent, described in Paragraph 6,
6 above, violated the Code and the Regulations as set forth below:

7	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
8		
9	6(a)	Code Sections 10130 and 10137
10	6(b)	Code Section 10176(e)
11	6(c)	Code Section 10176(g)
12	6(d)	Code Section 10159.5 and Regulation
13		2731

14 The foregoing violations constitute cause for the
15 suspension or revocation of the real estate license and license
16 rights of Respondent, under the provisions of Code Sections
17 10137, 10176(e), 10176(g), 10177(d) and/or 10177(g).

18 NEGLIGENCE

19 9.

20 The overall conduct of Respondent constitutes
21 negligence or incompetence. This conduct and violation are cause
22 for the suspension or revocation of the real estate license and
23 license rights of said Respondents pursuant to Code Section
24 10177(g).

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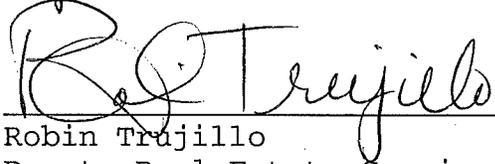
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 RAQUEL GUZMAN under the Real Estate Law, that Complainant be
6 awarded its costs of investigation and prosecution of this case,
7 and for such other and further relief as may be proper under the
8 provisions of law.

9
10 Dated at Los Angeles, California

11 this 15 day of February, 2012

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13 
14 Robin Trujillo
15 Deputy Real Estate Commissioner

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23
24 cc: RAQUEL GUZMAN
25 Cahue & Associates Inc.
26 Robin Trujillo
27 Sacto
Audits