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FILED
APR 08 2022
DEPT. OF REAL ESTATE
By *[Signature]*

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-42241 LA
13)
14 PORFIRIO DE LA LUZ-GOMEZ and) A C C U S A T I O N
15 OLEGARIO C AGUILAR,)
16 doing business as Aguilar Realty,)
Respondents.)

17 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
18 State of California, for cause of Accusation against PORFIRIO DE LA LUZ-GOMEZ and
19 OLEGARIO C AGUILAR, doing business as Aguilar Realty (“Respondents”), is informed and
20 alleges as follows:

21 1.

22 The Complainant, Veronica Kilpatrick, acting in her official capacity as a
23 Supervising Special Investigator of the State of California, makes this Accusation against
24 Respondents PORFIRIO DE LA LUZ-GOMEZ and OLEGARIO C AGUILAR.

25 2.

26 All references to the “Code” are to the California Business and Professions Code
27 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

Accusation of Porfirio De La Luz-Gomez and Olegario C Aguilar

1 3.

2 Respondent PORFIRIO DE LA LUZ-GOMEZ (“DE LA LUZ-GOMEZ”)
3 presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real
4 estate salesperson. On or about January 5, 2018, the Department of Real Estate (“Department”)
5 licensed DE LA LUZ-GOMEZ as a real estate salesperson. Prior to January 5, 2018,
6 DE LA LUZ-GOMEZ was never licensed by the Department in any capacity.

7 4.

8 Respondent OLEGARIO C AGUILAR (“AGUILAR”) presently has license
9 rights as a real estate broker.

10 5.

11 Respondent DE LA LUZ-GOMEZ is affiliated with broker AGUILAR from
12 about January 5, 2018, to the present.

13 PRIOR LICENSE DISCIPLINE

14 6.

15 On or about September 21, 2007, the Real Estate Commissioner in Case
16 No. H-33744 LA adopted as his Decision effective October 15, 2007, a Proposed Decision
17 revoking Respondent AGUILAR’S real estate broker license but granting AGUILAR the right
18 to a restricted real estate broker license with a 90 day stayed suspension on terms and
19 conditions. Within the Proposed Decision, the Administrative Law Judge found that
20 AGUILAR was convicted of violating California Penal Code section 273.5(a) (domestic battery
21 with corporal injury), a misdemeanor and Penal Code section 148(a)(1) (resist and obstruct a
22 police officer), a misdemeanor, and held that cause existed pursuant to Code sections 490
23 and 10177(b) to discipline AGUILAR’S license. On or about January 12, 2018, the restrictions
24 were removed from AGUILAR’S license.

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1 PORFIRIO DE LA LUZ-GOMEZ DEFRAUDED DORALY GOMEZ LOPEZ

2 7.

3 On or about July 21, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
4 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
5 in Los Angeles on behalf of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly
6 Gomez Lopez to provide \$5,000 in money orders payable to Maria Ofelia Calderon as a deposit
7 to purchase the property. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
8 provided \$5,000 in money orders to DE LA LUZ-GOMEZ. The \$5,000 in money orders was
9 deposited, but DE LA LUZ-GOMEZ did not purchase real property for Doraly Gomez Lopez
10 and did not refund any money to Doraly Gomez Lopez. Doraly Gomez Lopez asked
11 DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez Lopez had provided, but
12 DE LA LUZ-GOMEZ refused to provide a refund and said the money would go towards the
13 next property. DE LA LUZ-GOMEZ engaged in licensed real estate activity without a real
14 estate license.

15 SAN BERNARDINO PROPERTY FRAUD

16 8.

17 On or about September 6, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
18 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
19 at 1715 N Lugo Ave, San Bernardino, California 92404 (“San Bernardino property”) on behalf
20 of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
21 \$2,000 as a wire transfer to Tierra Vista Escrow as a deposit to purchase the San Bernardino
22 property. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and provided \$2,000 to
23 Tierra Vista Escrow.

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1 9.

2 The actual parties of the San Bernardino property transaction were buyers Rafael
3 Flores Estrada and Celia Roman De Del Pilar (“San Bernardino property buyers”) and sellers
4 Simplicio O. Gonzalez and Rosa Gonzalez (“San Bernardino property sellers”). Doraly Gomez
5 Lopez did not know the San Bernardino property buyers or sellers. On or about
6 September 13, 2017, the Lugo property buyers and sellers signed a Cancellation of Contract,
7 Release of Deposit, and Cancellation of Escrow as well as a Cancellation Escrow Instructions,
8 which directed the \$2,000 that Doraly Gomez Lopez had deposited to Tierra Vista Escrow to be
9 released to the San Bernardino property sellers.

10 10.

11 Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly
12 Gomez Lopez’s offer to purchase the San Bernardino property had not been accepted. Doraly
13 Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez
14 Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money
15 would go towards the next property. DE LA LUZ-GOMEZ engaged in licensed real estate
16 activity without a real estate license.

17 FONTANA PROPERTY FRAUD

18 11.

19 On or about September 22, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
20 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
21 at 16729 Boyle Ave, Fontana, California 92337 (“Fontana property”) on behalf of Doraly
22 Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide \$2,000 as a
23 wire transfer to Stellar Corp Escrow Division as a deposit to purchase the Fontana property.
24 DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly Gomez Lopez would recover all
25 her prior deposits in escrow. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
26 provided \$2,000 to Stellar Corp Escrow Division.

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12.

The actual parties of the Fontana property transaction were buyers Rafael Estrada Flores, Rosa M. Bedolla Cornejo, and Gabriela Aburto (“Fontana property buyers”) and seller Freddy O Nugent (“Fontana property seller”). Doraly Gomez Lopez did not know the Fontana property buyers or seller. On or about June 25, 2018, the Fontana property buyers and seller signed a Cancellation of Contract, Release of Deposit, and Cancellation of Escrow, which directed the \$2,000 that Doraly Gomez Lopez had deposited to Stellar Corp Escrow Division to be released 50% to the Fontana property buyers and 50% to the Fontana property seller. The fraudulent scheme did not work entirely as Respondent DE LA LUZ-GOMEZ intended, as Stellar Corp Escrow Division refunded \$1,000 to Doraly Gomez Lopez on or about June 28, 2018.

13.

Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly Gomez Lopez’s offer to purchase the Fontana property had not been accepted. Doraly Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money would go towards the next property. DE LA LUZ-GOMEZ engaged in licensed real estate activity without a real estate license.

MORENO VALLEY PROPERTY FRAUD

14.

On or about March 16, 2018, Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property at 24277 Chippewa Trail, Moreno Valley, California 92551 (“Moreno Valley property”) on behalf of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide \$6,000 as a wire transfer to Golden Key Escrow Division as a deposit to purchase the Moreno Valley property. On or about March 28, 2018, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and provided \$6,000 to Golden Key Escrow Division.

1 15.

2 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
3 \$4,000 as a wire transfer to Golden Key Escrow Division as a deposit to purchase the Moreno
4 Valley property. On or about May 11, 2018, Doraly Gomez Lopez did as
5 DE LA LUZ-GOMEZ instructed and provided \$4,000 to Golden Key Escrow Division.

6 16.

7 The actual parties of the Moreno Valley property transaction were buyers Rafael
8 Estrada Flores, Rosa M. Bedolla Cornejo, and Rocio Gomez Cortez (“Moreno Valley property
9 buyers”) and seller Marco Rivera (“Moreno Valley property seller”). Doraly Gomez Lopez did
10 not know the Moreno Valley property buyers or seller. On or about January 24, 2018, the
11 Moreno Valley property buyers, represented by broker Respondent AGUILAR through agent
12 Respondent DE LA LUZ-GOMEZ, submitted an offer to purchase the Moreno Valley property.
13 AGUILAR and DE LA LUZ-GOMEZ used the unlicensed fictitious business name
14 “Flip Home Real Estate”. On or about January 25, 2018, Moreno Valley property seller
15 accepted the offer.

16 17.

17 Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly
18 Gomez Lopez’s offer to purchase the Moreno Valley property had not been accepted. Doraly
19 Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez
20 Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money
21 would go towards the next property.

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1 PHELAN PROPERTY FRAUD

2 18.

3 On or about November 5, 2018, Respondent AGUILAR and Respondent
4 DE LA LUZ-GOMEZ listed real property at 4624 Del Rosa Road, Phelan, California 92371
5 (“Phelan property”) on the multiple listing service (“MLS”).

6 19.

7 On or about December 7, 2018, Doraly Gomez Lopez, represented by broker
8 Respondent AGUILAR through agent Respondent DE LA LUZ-GOMEZ, submitted an offer to
9 purchase the Phelan property. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed
10 fictitious business name “Flip Home Real Estate”. On or about December 10, 2018, seller Paul
11 Driscoll (“Phelan property seller”) accepted the offer. The Phelan property seller was also
12 broker Respondent AGUILAR through agent Respondent DE LA LUZ-GOMEZ.

13 20.

14 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
15 \$1,000 as a wire transfer to South Coast Escrow as a deposit to purchase the Phelan property.
16 On or about December 12, 2018, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed
17 and provided \$1,000 to South Coast Escrow.

18 21.

19 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign
20 South Coast Escrow Cancellation Instructions, which directed South Coast Escrow to be paid a
21 \$250 cancellation fee and the remaining \$750 to be refunded to Doraly Gomez Lopez. On or
22 about April 16, 2019, Doraly Gomez Lopez and the Phelan property seller signed the South
23 Coast Escrow Cancellation Instructions.

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1 22.

2 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
3 \$1,000 as a wire transfer to Bridgeport Services as a deposit to purchase the Phelan property.
4 On or about April 22, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
5 provided \$1,000 to Bridgeport Services.

6 23.

7 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide to
8 DE LA LUZ-GOMEZ checks in the amount of \$2,000 payable to DE LA LUZ-GOMEZ,
9 \$1,000 payable to Bridgeport Services, and \$400 payable to David Fun, as a deposit to purchase
10 the Phelan property. On or about July 30, 2019, Doraly Gomez Lopez did as
11 DE LA LUZ-GOMEZ instructed and provided to DE LA LUZ-GOMEZ checks in the amount
12 of \$2,000 payable to DE LA LUZ-GOMEZ, \$1,000 payable to Bridgeport Services, and \$400
13 payable to David Fun. The checks were deposited but not credited towards the purchase of the
14 Phelan property.

15 24.

16 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide to
17 DE LA LUZ-GOMEZ a cashier's check in the amount of \$4,000 payable to Kami Management,
18 for cleaning of the Phelan property. On or about July 26, 2019, Doraly Gomez Lopez did as
19 DE LA LUZ-GOMEZ instructed and provided to DE LA LUZ-GOMEZ a cashier's check in the
20 amount of \$4,000 payable to Kami Management. The cashier's check was deposited but not
21 used for the benefit of Doraly Gomez Lopez or the Phelan property.

22 25.

23 On or about April 9, 2019, Respondent AGUILAR and Respondent
24 DE LA LUZ-GOMEZ signed a Commissions Instructions for \$17,500 commission for the
25 Phelan property transaction. DE LA LUZ-GOMEZ forged AGUILAR'S signature on the
26 Commissions Instructions.

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1 26.

2 On or about April 10, 2019, Respondent AGUILAR and Respondent
3 DE LA LUZ-GOMEZ signed a Commission Authorization for \$17,500 commission for the
4 Phelan property transaction: \$1,200 to AGUILAR, \$1,300 to DE LA LUZ-GOMEZ, and
5 \$15,000 to Flip Home Real Estate. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed
6 fictitious business name "Flip Home Real Estate". DE LA LUZ-GOMEZ forged AGUILAR'S
7 signature on the Commission Authorization.

8 27.

9 Respondent DE LA LUZ-GOMEZ arranged for lender Civic Financial
10 Services, LLC to provide a mortgage to Doraly Gomez Lopez to purchase the Phelan property.
11 DE LA LUZ-GOMEZ told Doraly Gomez Lopez that the lender advised Doraly Gomez Lopez
12 to establish a corporation to qualify for a loan to purchase the Phelan property. Civic Financial
13 Services, LLC never advised DE LA LUZ-GOMEZ or Doraly Gomez Lopez to establish a
14 corporation to qualify for a loan to purchase the Phelan property.

15 28.

16 On or about July 10, 2019, Respondent DE LA LUZ-GOMEZ arranged for
17 Articles of Incorporation for Doral'y Investments Inc to be filed with the California Secretary of
18 State. Dottie Randazzo signed the Articles of Incorporation. Doraly Gomez Lopez did not
19 know Dottie Randazzo.

20 29.

21 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an
22 Amendment To Instructions changing the buyer of the Phelan property to Doral'y
23 Investments Inc. On or about July 18, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ
24 instructed and signed the Amendment To Instructions.

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Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an Addendum changing the buyer of the Phelan property to Doral'y Investments Inc. On or about July 20, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed the Addendum.

32.

Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an Addendum changing the buyer of the Phelan property to Doral'y Investments Inc. On or about July 20, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed the Addendum.

33.

On or about July 24, 2019, Salvador Lupercio, Jr. signed a Letter of Explanation claiming that Doraly Gomez Lopez is his sister. Doraly Gomez Lopez is not related to Salvador Lupercio, Jr. Salvador Lupercio, Jr. is a hard money lender.

34.

Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a Corporate Resolution for Doral'y Investments Inc giving 20% ownership of Doral'y Investments Inc to Salvador Lupercio, Jr. Doraly Gomez Lopez did not know Salvador Lupercio, Jr. On or about July 24, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed the Corporate Resolution, even though Doraly Gomez Lopez did not understand what she was signing.

35.

On or about July 26, 2019, Doraly Gomez Lopez in the capacity of President of Doral'y Investments Inc signed the mortgage note and deed of trust for the Phelan property. The note was in the amount of \$262,500. Doraly Gomez Lopez did not understand that the mortgage was an interest only mortgage with a balloon payment due on September 1, 2020.

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1 36.

2 On or about July 30, 2019, the purchase of the Phelan property was completed.
3 Out of all the money Doraly Gomez Lopez provided according to Respondent
4 DE LA LUZ-GOMEZ'S instructions, only \$1,000 that Doraly Gomez Lopez provided to
5 Bridgeport Services on or about April 22, 2019, was used as a deposit for the purchase of the
6 Phelan property. Doraly Gomez Lopez lost all or nearly all of the remainder of the money.

7 37.

8 On or about July 31, 2019, Respondent DE LA LUZ-GOMEZ and Respondent
9 AGUILAR received a commission check in the amount of \$17,500 made payable to Flip Home
10 Real Estate. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed fictitious business
11 name "Flip Home Real Estate".

12 38.

13 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a
14 note and deed of trust making Doraly Gomez Lopez, Doral'y Investments Inc, and the Phelan
15 property liable for \$50,000 for the benefit of the Phelan property seller Paul Driscoll. On or
16 about August 4, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed
17 the note and deed of trust for the benefit of Paul Driscoll ("Paul Driscoll deed of trust"), even
18 though Doraly Gomez Lopez did not understand what she was signing.

19 39.

20 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a
21 note and deed of trust making Doraly Gomez Lopez, Doral'y Investments Inc, and the Phelan
22 property liable for \$40,000 for the benefit of Lazaro Penaloza. Doraly Gomez Lopez did not
23 know Lazaro Penaloza. On or about August 4, 2019, Doraly Gomez Lopez did as
24 DE LA LUZ-GOMEZ instructed and signed the note and deed of trust for the benefit of Lazaro
25 Penaloza ("Lazaro Penaloza deed of trust"), even though Doraly Gomez Lopez did not
26 understand what she was signing.

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1 40.

2 Less than a month before the balloon payment was due on the mortgage note to
3 Civic Financial Services, LLC, on or about August 5, 2020, Respondent DE LA LUZ-GOMEZ,
4 Paul Driscoll, and Lazaro Penaloza recorded the Paul Driscoll deed of trust and the Lazaro
5 Penaloza deed of trust. When Doraly Gomez Lopez was forced to refinance or otherwise
6 payoff the mortgage note from Civic Financial Services, LLC because of the balloon payment
7 due on September 1, 2020, DE LA LUZ-GOMEZ, Paul Driscoll, and Lazaro Penaloza intended
8 to receive the full amounts of \$50,000 and \$40,000 from Paul Driscoll deed of trust and the
9 Lazaro Penaloza deed of trust. The fraudulent scheme did not work as DE LA LUZ-GOMEZ,
10 Paul Driscoll, and Lazaro Penaloza intended.

11 DEPARTMENT OF REAL ESTATE INVESTIGATION

12 41.

13 On or about September 11, 2020, the Department of Real Estate (“Department”)
14 served a subpoena on Respondent AGUILAR for the production of books and records related to
15 the Phelan property transaction.

16 42.

17 On or about September 11, 2020, Respondent AGUILAR admitted to the
18 Department that AGUILAR was unaware of the Phelan property transaction until AGUILAR
19 received the subpoena and did not have the documents related to the Phelan property
20 transaction. AGUILAR contacted Respondent DE LA LUZ-GOMEZ to retrieve the documents
21 related to the Phelan property transaction.

22 43.

23 On or about September 11, 2020, Respondent DE LA LUZ-GOMEZ admitted to
24 the Department that Doraly Gomez Lopez provided \$25,000 to DE LA LUZ-GOMEZ as a
25 deposit to purchase real property. DE LA LUZ-GOMEZ admitted to the Department that
26 DE LA LUZ-GOMEZ placed the \$40,000 lien on the Phelan property, in reference to the
27 Lazaro Penaloza deed of trust.

1 44.

2 On or about September 11, 2020, Respondent DE LA LUZ-GOMEZ told the
3 Department that on or about September 14, 2020, DE LA LUZ-GOMEZ would remove the
4 \$40,000 lien on the Phelan property, in reference to the Lazaro Penalosa deed of trust. After
5 further questioning by the Department, DE LA LUZ-GOMEZ told the Department that on or
6 about September 14, 2020, DE LA LUZ-GOMEZ would also remove the \$50,000 lien on the
7 Phelan property, in reference to the Paul Driscoll deed of trust.

8 45.

9 On or about September 17, 2020, Respondent DE LA LUZ-GOMEZ recorded
10 the full reconveyance of the Paul Driscoll deed of trust.

11 46.

12 On or about September 21, 2020, Respondent DE LA LUZ-GOMEZ recorded
13 the full reconveyance of the Lazaro Penalosa deed of trust.

14 47.

15 On or about September 21, 2020, Respondent DE LA LUZ-GOMEZ provided
16 two money orders of \$600 each made payable to Respondent AGUILAR, for a total
17 commission of \$1,200 to AGUILAR for the Phelan property transaction.

18 48.

19 On or about October 27, 2020, Doraly Gomez Lopez sold the Phelan property.
20 After payoff of the mortgage note to Civic Financial Services, LLC, and the transaction costs
21 associated with a real property transaction such as \$16,450 in commissions to real estate
22 brokers, only \$4,630.65 remained and was disbursed from escrow to Doraly Gomez Lopez.
23 Doraly Gomez Lopez lost the remainder of the \$25,000 in deposits, and also lost the
24 opportunity to own a home.

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1 FIRST CAUSE OF ACTION

2 FRAUD AND DISHONEST DEALING

3 49.

4 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
5 described in Paragraphs 3 through 48 above, are in violation of Code sections 10176(a),
6 10176(b), 10176(c), 10176(i), 10177(d), 10177(g) and/or 10177(j) and constitute cause under
7 Code sections 10176(a), 10176(b), 10176(i), 10177(d), 10177(g) and/or 10177(j) for the
8 suspension or revocation of all the licenses, license endorsements, and license rights of
9 DE LA LUZ-GOMEZ.

10 SECOND CAUSE OF ACTION

11 TRUST FUNDS MISHANDLING

12 50.

13 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
14 described in Paragraphs 7 through 24 above, are in violation of Code section 10145(c) and
15 constitute cause under Code sections 10177(d) and/or 10177(g) for the suspension or revocation
16 of all the licenses, license endorsements, and license rights of DE LA LUZ-GOMEZ.

17 THIRD CAUSE OF ACTION

18 UNLICENSED FICTITIOUS BUSINESS NAME

19 51.

20 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
21 described in Paragraphs 11 through 37 above, are in violation of Code section 10159.5 and
22 Regulations section 2731 and constitute cause under Code sections 10177(d) and/or 10177(g)
23 for the suspension or revocation of all the licenses, license endorsements, and license rights of
24 DE LA LUZ-GOMEZ.

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1 FOURTH CAUSE OF ACTION

2 FAILURE TO SUPERVISE

3 52.

4 The conduct, acts, or omissions of Respondent AGUILAR, as described in
5 Paragraphs 11 through 48 above, in failing to ensure compliance of the Real Estate Law by
6 Respondent DE LA LUZ-GOMEZ, are in violation of Code section 10177(h) and Regulations
7 section 2725 and constitute cause under Code sections 10177(d), 10177(g), and/or 10177(h) for
8 the suspension or revocation of all the licenses, license endorsements, and license rights of
9 AGUILAR.

10 53.

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.

16 WHEREFORE, Complainant prays that a hearing be conducted on the
17 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
18 disciplinary action against all the licenses, license endorsements, and license rights of
19 Respondents PORFIRIO DE LA LUZ-GOMEZ and OLEGARIO C AGUILAR under the Real
20 Estate Law, for the cost of investigation and enforcement as permitted by law, and for such
21 other and further relief as may be proper under other applicable provisions of law.

22
23 Dated at San Diego, California

24 this 6 day of April, 2022

25
26 *Veronica Kilpatrick*

27 _____
Veronica Kilpatrick
Supervising Special Investigator

Accusation of Porfirio De La Luz-Gomez and Olegario C Aguilar

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cc: PORFIRIO DE LA LUZ-GOMEZ
OLEGARIO C AGUILAR
Veronica Kilpatrick
Sacto.