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FILED

AUG 04 2023

DEPT. OF REAL ESTATE

By: 

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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.,) ACCUSATION
14 doing business as)
15 Evernest Mortgage Advisors and)
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 The Complainant, Ray Dagnino, a Supervising Special Investigator of the State
23 of California, for cause of Accusation against CA DREAM HOME GROUP INC., doing
24 business as Evernest Mortgage Advisors and Evernest Real Estate Advisors,
25 CARLOS ESCARCEGA, individually and as designated officer of CA Dream Home
26 Group Inc., and ROMAN MARTIN III ("Respondents"), is informed and alleges as follows:

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1 1.

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

5 2.

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

8 LICENSE HISTORY

9 3.

10 Respondent CA DREAM HOME GROUP INC. ("CA DREAM HOME
11 GROUP") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the
12 Code as a corporate real estate broker.

13 4.

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

17 5.

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

24 6.

25 Respondent ROMAN MARTIN III ("MARTIN") presently has license rights as
26 a real estate salesperson.

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1 LOS ANGELES PROPERTY TRANSACTION

2 7.

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

7 8.

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

10 9.

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

15 10.

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

18 11.

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

20 12.

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

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1 REQUEST FOR RECORDS

2 13.

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

6 14.

7 On or about October 11, 2022, the attorney for Respondents CA DREAM
8 HOME GROUP, ESCARCEGA, and MARTIN sent an email to the Department which said in
9 part, "There was no commission payment to Mr. Martin for this transaction."

10 15.

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

14 16.

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

18 FIRST CAUSE OF ACTION

19 NEGLIGENCE OR INCOMPETENCE

20 17.

21 The conduct, acts, and omissions of Respondents CA DREAM HOME GROUP
22 and MARTIN, as described in Paragraphs 3 through 16 above, are in violation of section 10142
23 and constitute cause under Code sections 10177(d) and/or 10177(g) for the suspension or
24 revocation of all the licenses, license endorsements, and license rights of CA DREAM HOME
25 GROUP and MARTIN.

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

1 SECOND CAUSE OF ACTION

2 FAILURE TO RETAIN RECORDS

3 18.

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

10 THIRD CAUSE OF ACTION

11 FRAUD AND DISHONEST DEALING

12 19.

13 The conduct, acts, and omissions of Respondents CA DREAM HOME GROUP,
14 ESCARCEGA, and MARTIN, as described in Paragraphs 3 through 16 above, are in violation
15 of Code section 10177(d), 10177(g), and/or 10177(j) and constitute cause under Code
16 sections 10177(d), 10177(g), and/or 10177(j) for the suspension or revocation of all the
17 licenses, license endorsements, and license rights of Respondent.

18 FOURTH CAUSE OF ACTION

19 FAILURE TO SUPERVISE

20 20.

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

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21.

Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, 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 the licenses, license endorsements, and license rights of Respondents CA DREAM HOME GROUP INC., CARLOS ESCARCEGA, and ROMAN MARTIN III under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 3rd day of August, 2023.


Ray Dagnino
Supervising Special Investigator

cc: CA DREAM HOME GROUP INC.
CARLOS ESCARCEGA
ROMAN MARTIN III
Ray Dagnino
Sacto.