

1 DEPARTMENT OF REAL ESTATE
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FILED
SEP 24 2020
DEPARTMENT OF REAL ESTATE
By Y. Xiong

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) NO. H-3351 FR
12 MARIA TERESA FLORES)
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)
)

15 The Real Estate Commissioner ("Commissioner") of the California Department
16 of Real Estate ("Department") has caused an investigation to be made of the activities of
17 MARIA TERESA FLORES ("FLORES"). Based on that investigation, the Commissioner has
18 determined that FLORES has engaged in, is engaging in, or is attempting to engage in, acts or
19 practices constituting violations of the California Business and Professions Code ("Code")
20 and/or Title 10, Chapter 6, California Code of Regulations ("the Regulations") including acting
21 in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of
22 California within the meaning of Sections 10130 (act as a real estate broker without a license),
23 and 10131(a) (soliciting prospective purchasers of real property and negotiating the purchase
24 and sale of real property) of the Code. Furthermore, based on the investigation, the
25 Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under
26 the authority of Section 10086 of the Code.

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1 FINDINGS OF FACT

2 1. At no time herein mentioned has FLORES been licensed by the Department in
3 any capacity.

4 2. At all times mentioned herein, FLORES engaged in the business of,
5 acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of
6 California, within the meaning of Section 10131(a) of the Code, including the operation and
7 conduct of a residential resale brokerage wherein FLORES bought, sold, or offered to buy or
8 sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real
9 property or business opportunities, all for or in expectation of compensation, including, but not
10 limited to the following property: 5241 W. Romona Avenue, Fresno, CA 93722; 5644 E. Byrd
11 Avenue, Fresno, CA 93727; and 896 Robinson Avenue, Clovis, CA 93612.

12 3. Beginning in or about September 2017, and continuing to the November
13 2018, FLORES agree to represent buyers in their efforts to purchase a residence. FLORES'
14 activities included, but were not limited to demanding and accepting earnest money deposits
15 from prospective buyers, depositing earnest money deposits into her own account and into a
16 Chicago Title Company account, and negotiating loans on behalf of potential buyers with
17 lenders. From one victim alone who was unsuccessful in purchasing a residence, FLORES
18 requested and received eleven personal checks over the course of fourteen months made out to
19 FLORES totaling \$73,933. To date, FLORES has not refunded any money to the victim.
20 Criminal charges filed against FLORES by the Fresno County District Attorney's office related
21 to the matters discussed above are currently pending.

22 CONCLUSIONS OF LAW

23 Based on the Findings of Fact contained above in Paragraphs 1 through 3,
24 FLORES has performed and/or participated in residential resale activities which require a real
25 estate license under Section 10131(a) of the Code, during a period of time when FLORES was
26 not licensed by the Department as a real estate salesperson or broker in violation of Section
27 10130 of the Code.

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DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, MARIA TERESA FLORES IS HEREBY ORDERED to immediately Desist and Refrain from performing any acts within the State of California for which a real estate broker license is required, and in particular, to immediately Desist and Refrain from soliciting and obtaining listings of, and/or negotiating the purchase and sale of real property for others for compensation, or in the expectation of compensation, unless an appropriate license is issued by the Department.

DATED: 9.24.20, 2020

REAL ESTATE COMMISSIONER


DOUGLAS R. McCAULEY

- NOTICE -

Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000) ..."