

*Sueto Flaz*

**FILED**

OCT 26 2011

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DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

|    |                                    |   |                            |
|----|------------------------------------|---|----------------------------|
| 11 | In the Matter of the Accusation of | ) | No. H-37627 LA             |
| 12 | MARIA ELENA GARCIA,                | ) | <u>A C C U S A T I O N</u> |
| 13 |                                    | ) |                            |
| 14 | Respondent.                        | ) |                            |

15  
16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against MARIA ELENA GARCIA, alleges as follows:

19 1. The Complainant, Maria Suarez, acting in her  
20 official capacity as a Deputy Real Estate Commissioner of the  
21 State of California, makes this Accusation against MARIA ELENA  
22 GARCIA.

23 2. MARIA ELENA GARCIA (hereinafter referred to as  
24 "Respondent") is presently licensed and/or has license rights  
25 under the Real Estate Law (Part 1 of Division 4 of the Business  
26 and Professions Code, hereinafter Code).

1           3. At all times herein mentioned, Respondent was  
2 licensed by the Department of Real Estate of the State of  
3 California as a real estate salesperson employed by licensed real  
4 estate broker Beachside Realtors dba Century 21 Beachside  
5 Realtors.

6           4. In or about September and October, 2008, for or in  
7 expectation of compensation, Respondent solicited and negotiated  
8 a re-finance loan and loan modification on real property located  
9 at 10129 Willowbrook Road, Riverside, California, for borrowers  
10 Cesar H. Ortega and Rosa E. Ortega. Respondent accepted \$3,000  
11 in advance from borrowers for loan modification services.

12           5. In or about November, 2008, for or in expectation  
13 of compensation, Respondent solicited and negotiated a re-finance  
14 loan and loan modification on real property located at 233  
15 Galiceno Drive, San Jacinto, California, for borrowers Irene  
16 Ortega and Humberto Ortega, Jr. Respondent accepted \$1,500 in  
17 advance from borrowers for loan modification services.

18           6. Respondent's employing broker was not aware of the  
19 above transactions.

20           7. Respondent violated Code Section 10145(c) by  
21 collecting advance fees from the borrowers Cesar H. Ortega and  
22 Rosa E. Ortega and Irene Ortega and Humberto Ortega, Jr. and  
23 failed to forward the funds about \$1,500 and \$3,000 (total  
24 \$4,500) to her employing broker.

25           8. Respondent's activities are acts requiring a real  
26 estate broker license under the provisions of Code Section  
27 10131(d) and (e).

1  
2 9. Respondent misappropriated the funds she received  
3 from the borrowers Cesar H. Ortega and Rosa E. Ortega and Irene  
4 Ortega and Humberto Ortega, Jr. without the knowledge or  
5 permission of the borrowers.

6 10. The conduct of Respondent, as alleged above,  
7 subjects her real estate license and license rights to suspension  
8 or revocation pursuant to Sections 10177(f) and 10177(j) of the  
9 Code, and Sections 10177(d) and/or 10177(g) for violation of Code  
10 Sections 10130 and 10145(c).

11 WHEREFORE, Complainant prays that a hearing be  
12 conducted on the allegations of this Accusation and that upon  
13 proof thereof, a decision be rendered imposing disciplinary  
14 action against all licenses and license rights of Respondent  
15 MARIA ELENA GARCIA under the Real Estate Law (Part 1 of Division  
16 4 of the Business and Professions Code) and for such other and  
17 further relief as may be proper under other applicable provisions  
18 of law.

19 Dated at Los Angeles, California  
20 this 26<sup>th</sup> day of October, 2011.

21  
22  
23   
24 MARIA SUAREZ  
Deputy Real Estate Commissioner

25 cc: Maria Elena Garcia  
26 Chris Woodard  
27 Maria Suarez  
Sacto.