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7  
8 **BEFORE THE**  
**BUREAU OF REAL ESTATE APPRAISERS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. C20131216-07

12 **ERNIE Q. BARRERA**  
13 **1468 Leafree Circle**  
**San Jose, CA 95131**

**ACCUSATION**

14 **Appraiser License No. AL 012759**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Elizabeth Seaters, acting on behalf of the Bureau of Real Estate Appraisers  
20 (Complainant), Department of Consumer Affairs, brings this Accusation solely in her official  
21 capacity as Chief of Enforcement for Complainant.

22 2. On or about October 21, 1998, the Bureau of Real Estate Appraisers (formerly Office  
23 of Real Estate Appraisers) issued Appraiser License Number AL 012759 to Ernie Q. Barrera  
24 (Respondent). The Appraiser License was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on October 20, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Bureau of Real Estate Appraisers (Bureau) for the  
28 Department of Consumer Affairs, under the authority of the following laws. All section references

1 are to the Business and Professions Code unless otherwise indicated.

2 4. Business and Professions Code section 11313 states:

3 "The bureau is under the supervision and control of the Director of Consumer Affairs. The  
4 duty of enforcing and administering this part is vested in the chief, and he or she is responsible to  
5 the Director of Consumer Affairs therefor. The chief shall adopt and enforce rules and regulations  
6 as are determined reasonably necessary to carry out the purposes of this part. Those rules and  
7 regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1  
8 of Division 3 of Title 2 of the Government Code. Regulations adopted by the former Director of  
9 the Office of Real Estate Appraisers shall continue to apply to the bureau and its licensees."

10 5. Business and Professions Code section 11315.3 states:

11 The suspension, expiration, or forfeiture by operation of law of a license or certificate of  
12 registration issued by the office, or its suspension, forfeiture, or cancellation by order of the office  
13 or by order of a court of law, or its surrender without the written consent of the office, shall not,  
14 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the office  
15 of its authority to institute or continue a disciplinary proceeding against the licensee or registrant  
16 upon any ground provided by law or to enter an order suspending or revoking the license or  
17 certificate of registration, or otherwise taking disciplinary action against the licensee or registrant  
18 on any such ground.

19 6. Business and Professions Code section 11301 states:

20 "(a) There is hereby created within the Department of Consumer Affairs a Bureau of Real  
21 Estate Appraisers to administer and enforce this part.

22 (b) Whenever the term "Office of Real Estate Appraisers" appears in any other law, it means  
23 the "Bureau of Real Estate Appraisers."

24 7. Business and Professions Code section 11316, subdivision (a) states:

25 "(a) The director may assess a fine against a licensee, applicant for licensure, person who  
26 acts in a capacity that requires a license under this part, course provider, applicant for course  
27 provider accreditation, or a person who, or entity that, acts in a capacity that requires course  
28

1 provider accreditation for violation of this part or any regulations adopted to carry out its  
2 purposes."

3 8. California Code of Regulations, title 10, section 3721 states:

4 "(a) The Director may issue a citation, order of abatement, assess a fine or private or public  
5 reproof, suspend or revoke any license or Certificate of Registration, and/or may deny the  
6 issuance or renewal of a license or Certificate of Registration of any person or entity acting in a  
7 capacity requiring a license or Certificate of Registration who has:

8 . . .

9 "(4) Done any act which if done by the holder of a license to practice real estate appraisal  
10 would be grounds for revocation or suspension of such license;

11 . . .

12 "(7) Violated any provision of the Real Estate Appraisers' Licensing and Certification Law,  
13 Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code, or  
14 regulations promulgated pursuant thereto; or any provision of the Business and Professions Code  
15 applicable to applicants for or holders of licenses authorizing appraisals;

16 . . .

17 "(b) Before issuing any private or public reproof or denying, suspending, or revoking any  
18 license or Certificate of Registration issued or issuable under the provisions of the Real Estate  
19 Appraisers Licensing and Certification Law or these regulations, the Office shall proceed as  
20 prescribed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
21 Government Code (the Administrative Procedure Act) and the Office shall have all the powers  
22 granted therein.

23 . . ."

24 9. Business and Professions Code section 11328 states, in pertinent part:

25 "To substantiate documentation of appraisal experience, or to facilitate the investigation of  
26 illegal or unethical activities by a licensee, applicant, or other person acting in a capacity that  
27 requires a license, that licensee, applicant, or person shall, upon the request of the director, submit  
28

1 copies of appraisals, or any work product which is addressed by the Uniform Standards of  
2 Professional Appraisal Practice, and all supporting documentation and data to the OREA."

3 10. Business and Professions Code section 11409, subdivision (a) states:

4 "Except as otherwise provided by law, any order issued in resolution of a disciplinary  
5 proceeding may direct a licensee, applicant for licensure, person who acts in a capacity that  
6 requires a license under this part, registrant, applicant for a certificate of registration, course  
7 provider, applicant for course provider accreditation, or a person who, or entity that, acts in a  
8 capacity that requires course provider accreditation found to have committed a violation or  
9 violations of statutes or regulations relating to real estate appraiser practice to pay a sum not to  
10 exceed the reasonable costs of investigation, enforcement, and prosecution of the case."

11 CAUSE FOR DISCIPLINE

12 (FAILURE TO FACILITATE INVESTIGATION)

13 11. Respondent is subject to disciplinary action under Regulation section 3721,  
14 subdivisions (a)(4) and (a)(7), by and through his violation of Business and Professions Code  
15 section 11328.

16 12. On or about January 8, 2014, the Bureau mailed a demand letter to Respondent's  
17 address of record, requesting submittal of appraisal and workfile copies for an August 23, 2011  
18 appraisal of real property located at 17415 Wedgewood Avenue, Los Gatos, California, 95032.  
19 The letter requested a response no later than February 7, 2014.

20 12. On or about March 4, 2014, and again on March 18, 2014 a Bureau representative left  
21 voice mail messages for Respondent regarding the demand letter.

22 13. On or about March 24, 2014, the Bureau mailed a final demand letter to Respondent's  
23 address of record, requiring a response no later than March 29, 2014.

24 14. On or about April 15, 2014, a Bureau representative left a voice mail message on  
25 Respondent's business phone for Respondent requesting a return call. On or about April 21, 2014,  
26 a caller identified as Respondent's wife called the Bureau representative and stated that  
27 Respondent was out of the country and unavailable. On or about April 21, 2014, a Bureau  
28

1 representative left a voice mail on Respondent's home phone requesting a return call. Respondent  
2 failed to respond to any of the Bureau's inquiries.

3 DISCIPLINE CONSIDERATIONS

4 15. To determine the degree of discipline, if any, to be imposed on Respondent,  
5 Complainant alleges that on or about November 2, 2011, in a prior action, the Office of Real  
6 Estate Appraisers issued Citation Number C 100802-02 and ordered Respondent to pay a fine in  
7 the amount of \$1,000.00. That Citation is now final and is incorporated by reference as if fully set  
8 forth.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Chief of the Bureau of Real Estate Appraisers issue a decision:

12 1. Revoking or suspending Real Estate Appraiser License Number AL 012759, issued to  
13 Ernie Q. Barrera;

14 2. Ordering Ernie Q. Barrera to pay the Bureau of Real Estate Appraisers the reasonable  
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
16 section 11409;

17 3. Ordering Ernie Q. Barrera to pay the Bureau of Real Estate Appraisers a fine pursuant  
18 to Business and Professions Code section 11316; and

19 4. Taking such other and further action as deemed necessary and proper.  
20  
21

22 DATED: 6/30/14

**Original Signed**

23 ELIZABETH SEATERS  
24 Chief of Enforcement  
25 Bureau of Real Estate Appraisers  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

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