

HOUSING COMPLAINT

Complaint filed over alleged 'short sale' cash rent collection

Officials say Realtor took payments for months

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Fair Housing Napa Valley, a nonprofit organization that helps tenants and others on housing matters, has filed a complaint against a Realtor over the handling of the sale of a house in Napa.

The focus of the complaint filed on Monday was Brandy Topete, a Realtor formerly with Coldwell Banker, Brokers of the Valley.

Over the past few months, Topete, who was handling the "short sale" of the house, allegedly gave a verbal two-week notice to the tenants, collected their rent money over a three-month period in cash and had the owners of the house sign a letter they say they did not understand, according to Fair Housing Specialist Erick Hernandez and Executive Director Nicole Collier.

The allegation against the 29-year-old Topete, who is also known as Brandy Calderon, surfaced after tenants contacted Fair Housing to find out about their rights last October, the nonprofit said. The tenants approached Fair Housing, they said, after learning the house they rented in the 1100 block of Republic Avenue for \$1,600 a month was for sale.

In late January, the tenants returned to Fair Housing saying the Napa agent had called to give them two weeks to move out the three-bedroom house. Under the California Landlord/Tenant Law, the tenants should have received a 60-day advance notice, in writing, Collier explained.

Hernandez said he had told the tenants, who speak very little English, in the fall to keep paying their monthly rent by check or money order. But the tenants said in January they had paid the rent in cash over the past few months to the real estate agent, according to Hernandez. "That was the first flag for me," he said.

The staff began looking into the situation. They contacted Coldwell Banker officials, who agreed to a meeting to sort things out on Jan. 31.

One question, Fair Housing said, was why had Topete allegedly collected the \$1,600 monthly rent in cash from the tenants between November and January. On Jan. 29, according to Fair Housing, Topete had the owners of the house sign a letter stating that they had given her permission to collect the rent. But in a recent interview, homeowner Gloria Delgado said in Spanish she did not understand the letter, which was in English, that the Realtor had her and her husband sign.

The night before the Jan. 31 meeting, Topete drove to American Canyon to give \$4,500 in cash to one of the homeowner's family members — \$300 short of the full rent amount, according to

the owner.

At the meeting, Coldwell Banker's Robin Rose wrote a check for the remaining \$300. Rose also took over the sale of the house, according to Fair Housing, which Monday filed a complaint against Topete with the California Department of Real Estate. The Department of Real Estate on Thursday said it could not confirm whether a complaint has been filed.

Coldwell Banker fully cooperated with Fair Housing, the nonprofit organization said.

"As a result of their findings, the agent responsible for the transaction is no longer with our office," Rose said. "We have contacted the Department of Real Estate about the matter and we are in the process of filing a report.

"Fair Housing was instrumental in working with us to protect the interests of the sellers and tenants and bring the transaction to a successful close. We were impressed with their understanding of the issues, their responsiveness and the consideration that they showed to all of the parties involved," Rose said.

Topete, who has worked for Coldwell Banker Brokers of the Valley since 2008, said Wednesday the tenants and the owners were kept abreast of what was happening.

"I explained every step of the way," she said. The owner can read English, she said, referring to Gloria Delgado.

She said she collected the cash because that's how the tenants paid the rent and had no intention to keep the money. She said she was going to give the money to the seller of the house.

The only thing she did incorrectly, Topete said Wednesday, was not giving a verbal warning to the tenants to move out.

"I feel like I'm not the type of person to take advantage of Hispanic people," she said.

In the meantime, the short sale of the house has gone through and the tenants have a new home, Collier said.

Napa Valley Register Editorial Assistant Alex Loyola contributed to this report.