

FILED

May 22, 2014

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BUREAU OF REAL ESTATE  
By 

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 To:

12 JOSEPH A. CARFAGNO  
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No. H-11703 SF

ORDER TO DESIST AND REFRAIN  
(B&P Code Section 10086)

15 1.

16 PROCEDURAL HISTORY

17 Administrative Law Judge Regina J. Brown, State of California, Office of  
18 Administrative Hearings, heard the following matter on April 7, 2014, in Oakland, California.

19 In the Matter of the Application of JOSEPH A. CARFAGNO

20 Agency Case No. H-11587 SF

OAH Case No. 2013120524

21 Stephanie K. Sese, Real Estate Counsel, represented Complainant Robin S.

Tanner, a Deputy Real Estate Commissioner of the State of California.

22 Respondent Joseph A. Carfagno represented himself.

23 Evidence was received and the matter was submitted on April 7, 2014.

24 Based on evidence presented at hearing, including testimony under oath of  
25 JOSEPH A. CARFAGNO (hereinafter "CARFAGNO"), the Commissioner of the Bureau of  
26 Real Estate (hereinafter "Bureau") has investigated and determined that CARFAGNO has  
27 engaged in, is engaging in, or is attempting to engage in acts or practices constituting violations

1 of the California Business and Professions Code (hereinafter "the Code"), including acting in the  
2 capacity of, advertising, or assuming to act as a real estate salesperson and/or broker in the State  
3 of California within the meaning of Code Sections 10130 and 10131. Furthermore, based on the  
4 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
5 Law, and Desist and Refrain Order under the authority of Code Section 10086.

6  
7 2.

8 FINDINGS OF FACT

9 1. At no time herein mentioned has CARFAGNO been licensed by the Bureau in any  
10 capacity.

11 2. CARFAGNO's testimony under oath and exhibits submitted at hearing indicate  
12 CARFAGNO performed the following activities for or in expectation of compensation,  
13 between about February 2012 to present and ongoing.

- 14 a. Presented and proposed the sale of real property to potential buyers and/or  
15 investors;
- 16 b. Negotiated and/or assisted in the sale of real property to investors;
- 17 c. Provided opinions to real property developers as to the best use of real property;
- 18 d. Provided opinions as to the value of real property to land and/or home owners;
- 19 e. Provided opinions approximating the cost of real property to and/or on behalf of  
20 one or more real estate licensees; and,
- 21 f. Negotiated on behalf of one or more real estate licensees the redevelopment and  
22 sale of real property.

23 3.

24 CONCLUSIONS OF LAW

25 Based on the Findings of Fact contained in Paragraphs 1 through 2 (a-f), above,  
26 CARFAGNO has engaged in the business of, acted in the capacity of, advertised as, or assumed  
27 to act as a real estate broker or a real estate salesperson during a period of time when

1 CARFAGNO was not licensed by the Bureau in any capacity, in violation of Sections 10130 and  
2 10131 of the Code.

3 4.

4 DESIST AND REFRAIN ORDER

5 Based upon the Findings of Fact and Conclusions of Law stated herein, it is  
6 hereby ordered that JOSEPH A. CARFAGNO, whether doing business under his own name, or  
7 any other names, or any fictitious name, is HEREBY ORDERED TO DESIST AND REFRAIN  
8 from performing any acts within the State of California for which a real estate license is  
9 required unless and until JOSEPH A. CARFAGNO obtains an appropriate license issued by the  
10 Bureau.

11 DATED: MAY 21 2014

12 REAL ESTATE COMMISSIONER

13 

14 By: Jeffrey Mason  
15 Chief Deputy Commissioner  
16

17 - NOTICE -

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