

By C. J.

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 FELIX O. PICHARDO,)
)
 Respondent.)
)

NO. H-35226 LA

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on October 28, 2008, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

1.

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the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department of Real Estate ("Department") on August 19, 2008. The return receipt was returned by the post office marked, "return to sender-not deliverable as addressed-unable to forward."

On October 28, 2008, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate salesperson. Respondent was first issued a restricted conditional real estate salesperson license by the Department on or about February 15, 2006.

Respondent's restricted real estate salesperson license was issued with the terms and conditions set forth in the Real Estate Commissioner's Order in Case No. H-31799 LA. Said terms and conditions included that the restricted license may be suspended in the event of Respondent's conviction of a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee.

On or about August 15, 2007, Respondent's conditional real estate salesperson license expired. On August 16, 2007, the conditional salesperson license was suspended for failure to comply with the educational requirements of subdivision (c) of Section 10153.4 of the Business and Professions Code.

3.

On June 14, 2007, in the Superior Court of California, County of Los Angeles, in Case No. PA056246, Respondent was convicted of violating Penal Code Section 484F(B) (forge name on a credit card with the intent to defraud) and Penal Code Section 459 (burglary), felonies.

4.

The evidence established that the felony crimes of which Respondent was convicted are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490, 10177(b) and 10177(k).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

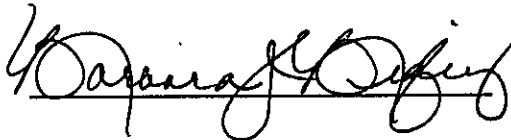
ORDER

The license and license rights of Respondent, FELIX O. PICHARDO, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on December 11, 2008.

DATED: 11-17-08

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

FILED
OCT. 28, 2008
DEPARTMENT OF REAL ESTATE

By cr

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 FELIX O. PICHARDO,) NO. H-35226 LA
13 Respondent.) DEFAULT ORDER
14

15 Respondent, FELIX O. PICHARDO, having failed to file
16 a Notice of Defense within the time required by Section 11506
17 of the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED

October 28, 2008

20 JEFF DAVI
21 Real Estate Commissioner

22 *Dolores Weeks*
23 By: DOLORES WEEKS
24 Regional Manager
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LISSETE GARCIA, Counsel (SBN 211552)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6914

FILED
AUG. 19, 2008
DEPARTMENT OF REAL ESTATE

By GA

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-35226 LA
)
FELIX O. PICHARDO,) A C C U S A T I O N
)
Respondent.)
_____)

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against FELIX O. PICHARDO ("Respondent"), is informed and
alleges in her official capacity as follows:

I

Respondent is presently licensed by the Department of
Real Estate of the State of California ("Department") as a
restricted real estate salesperson under the Real Estate Law,
Part 1 of Division 4 of the California Business and Professions
Code ("Code").

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II

On or about February 15, 2006, Respondent's restricted real estate salesperson license was issued by the Department on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order in Case No. H-31799 LA. Respondent's restricted real estate salesperson license was conditionally suspended on August 16, 2007, for failure to provide proof of completion of the educational requirements under Code Section 10153.4. Respondent's restricted real estate salesperson license will expire on February 14, 2010.

III

Respondent's restricted real estate salesperson license included in the following terms, conditions, and restrictions:

"1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to respondent's fitness or capacity as a real estate licensee;"

IV

On or about June 14, 2007, in the Superior Court of California, County of Los Angeles, Case No. PA056246, as part of a plea agreement, Respondent pled nolo contendere to and was

1 convicted of violating California Penal Code Section 484F(B)
2 (forge name on a credit card with the intent to defraud) and
3 Penal Code Section 459 (burglary), felonies. Said crimes
4 involve moral turpitude and bear a substantial relationship
5 under Section 2910, Title 10, Chapter 6, California Code of
6 Regulations, to the qualifications, functions or duties of a
7 real estate licensee.

8 V

9 The crimes of which Respondent was convicted, as
10 alleged in Paragraph IV above, constitute cause under Code
11 Sections 490 and 10177(b) for the suspension or revocation of
12 all licenses and license rights of Respondent under the Real
13 Estate Law.

14 VI

15 The facts set forth above are grounds for the
16 suspension or revocation of Respondent's restricted real estate
17 salesperson license and all license rights under Code Section
18 10177(k).

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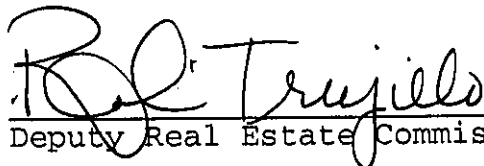
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent,
5 FELIX O. PICHARDO, under the Real Estate Law (Part 1 of Division
6 4 of the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 13 day of August, 2008.
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13 Deputy Real Estate Commissioner
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24 cc: Felix O. Pichardo
25 Robin Trujillo
26 Sacto.
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