

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
EDUARDO RAZO DEL ROSARIO, )  
Respondent. )

NO. H-37174 LA

**FILED**

JUL 14 2011

DECISION

DEPARTMENT OF REAL ESTATE  
BY: 

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 May 31, 2011, 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.

FINDINGS OF FACT

1.

On March 23, 2011, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on March 25, 2011, and again on April 25, 2011.

On May 31, 2011, 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 (hereinafter "Code") as a real estate salesperson.

3.

In or about April, 2008, while in the course of his employment as a real estate salesperson for Evangeline Bernhardt, Respondent convinced Ms. Bernhardt to give him \$55,005, toward the purchase of residential real property. Within one week, Ms. Bernhardt requested that Respondent return her money to her and Respondent has failed to return \$25,000 of the \$55,005 to Ms. Bernhardt.

In or about June, 2008, while in the course of his employment as a real estate salesperson for Kevin Wang, Respondent convinced Mr. Wang to give him \$25,000, to be used as an investment in real estate. Respondent represented to Mr. Wang that Respondent would repay the money to Mr. Wang with interest after a short time. Respondent has failed to repay any money to Mr. Wang.

Respondent's activities to solicit funds for real estate transactions were conducted independently by Respondent and not through the real estate broker for whom Respondent was at the time employed.

#### DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10130, 10137, 10177(d) and 10177(j).

2.

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

ORDER

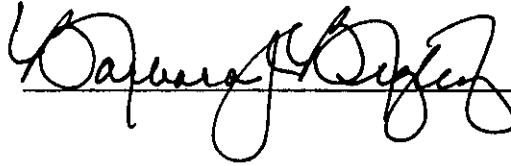
The licenses and license rights of Respondent  
EDUARDO RAZO DEL ROSARIO under the provisions of Part I of  
Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock  
noon on August 3, 2011.

DATED: \_\_\_\_\_

6/28/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, CA 90013

4 (213) 576-6982

**FILED**

MAY 31 2011

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-37174 LA  
12 )  
13 EDUARDO RAZO DEL ROSARIO, ) DEFAULT ORDER  
14 )  
15 Respondent. )  
16 )

17 Respondent EDUARDO RAZO DEL ROSARIO, having failed  
18 to file a Notice of Defense within the time required by  
19 Section 11506 of the Government Code, is now in default. It  
20 is, therefore, ordered that a default be entered on the  
21 record in this matter.

22 IT IS SO ORDERED

May 31, 2011

23 BARBARA J. BIGBY

24 Acting Real Estate Commissioner

25 By: 

26 DOLORES WEEKS

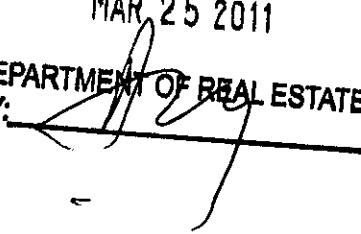
27 Regional Manager

1 AMELIA V. VETRONE, Counsel (SBN 134612)  
2 Department of Real Estate  
3 320 West Fourth St. #350  
4 Los Angeles, CA 90013

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6940

**FILED**

MAR 25 2011

DEPARTMENT OF REAL ESTATE  
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H- 37174 LA  
12 EDUARDO RAZO DEL ROSARIO, ) A C C U S A T I O N  
13 Respondent. )  
14 \_\_\_\_\_ )

15  
16 The Complainant, Robin Trujillo, a Deputy Real Estate  
17 Commissioner of the State of California, acting in her official  
18 capacity, for cause of Accusation against EDUARDO RAZO DEL  
19 ROSARIO ("Respondent") alleges as follows:

20 1.

21 Respondent is presently licensed and/or has license  
22 rights under the Real Estate Law, Part 1 of Division 4 of the  
23 California Business and Professions Code ("Code"), as a real  
24 estate salesperson. Respondent was originally licensed as a real  
25 estate salesperson on June 9, 1989. Effective December 26, 2009,  
26 Respondent's real estate salesperson license expired. Pursuant  
27 to Code Section 10201, Respondent has a two-year right of

1 renewal. Pursuant to Code Section 10103, the Department of Real  
2 Estate retains jurisdiction.

3 2.

4 At all times herein mentioned, Respondent engaged in  
5 the business of, acted in the capacity of, advertised, or assumed  
6 to act as a real estate salesperson in the State of California  
7 within the meaning of Code Section 10131. His activities  
8 included acting for another or others in the purchase, sale, or  
9 exchange of real property. Said activity also included  
10 soliciting borrowers and lenders and negotiating the terms of  
11 loans to be secured by liens on real property in expectation of  
12 compensation.

13 Evangeline Bernhardt

14 3.

15 In or about April, 2008, Evangeline Bernhardt  
16 ("Bernhardt") hired Respondent to represent her as a real estate  
17 salesperson in the sale of her residential real property, located  
18 in the city of Carson, California, or alternatively, a refinance  
19 of her home loan. During the course of his employment for  
20 Bernhardt, Respondent convinced Bernhardt to give him a large  
21 down payment toward the purchase of her next home.

22 4.

23 Based on Respondent's representations, Bernhardt gave  
24 Respondent a cashier's check for approximately \$55,005. At no  
25 time after Respondent collected the money from Bernhardt, did  
26 Respondent prepare any purchase offer on Bernhardt's behalf to  
27 purchase any real property.

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5.

Within one week of giving her money to Respondent, Bernhardt requested a refund of her \$55,005. Respondent gave Bernhardt a series of checks that were returned by the bank for insufficient funds. To date, Bernhardt has yet to receive a refund of \$25,000 out of the approximately \$55,005 she entrusted to Respondent.

Kevin Wang

6.

In or about June, 2008, Kevin Wang ("Wang") hired Respondent to represent him as a real estate salesperson in the sale of his residential real property, located in the city of San Diego, California. During the course of his employment for Wang, Respondent convinced Wang to give him approximately \$25,000 as a short term real estate loan investment on which Wang would earn interest.

7.

Based on Respondent's representations that he would repay Wang the initial investment along with interest within a short time, Wang gave Respondent two checks totaling approximately \$23,000. In or about July, 2008, Respondent gave Wang two checks totaling \$11,835, and both checks were returned by the bank for insufficient funds. To date, Wang has yet to receive any repayment of his loan to Respondent.

8.

At all times mentioned herein, Respondent conducted the real estate activities alleged above, and collected compensation

1 for such activities, independently and not through the broker  
2 under whom Respondent was at the time licensed, in violation of  
3 Code Sections 10130, 10131, and 10137.

4 9.

5 The conduct, acts and/or omissions of Respondent as  
6 described herein, constitute grounds for the suspension or  
7 revocation of the license and license rights of Respondent  
8 pursuant to Code Sections 10177(d), and 10177(j).

9 10.

10 Respondents' activities, as alleged above, constitute a  
11 course of conduct which includes the homeowners alleged above by  
12 way of example, but is by no means limited to those named  
13 consumers and their real property.

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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 EDUARDO RAZO DEL ROSARIO under the Real Estate Law and for such  
6 other and further relief as may be proper under other applicable  
7 provisions of law.

8                   Dated at Los Angeles, California, March 23, 2011.

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\_\_\_\_\_  
Robin Trujillo  
Deputy Real Estate Commissioner

cc: EDUARDO RAZO DEL ROSARIO  
Robin Trujillo  
Sacto.