

Sacto Flats

BEFORE THE BUREAU OF REAL ESTATE

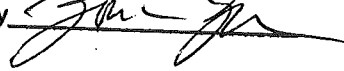
STATE OF CALIFORNIA

* * * *

FILED

OCT 17 2013

BUREAU OF REAL ESTATE

By 

In the Matter of the Accusation of)
RAUL ROCHA,)
Respondent.)

No. H-38659 LA
L-2013040012

DECISION

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 September 27, 2013, 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.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

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.

FINDINGS OF FACT

I

On January 15, 2013, 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 Bureau on January 17, 2013.

Respondent filed a Notice of Defense within the time required by Section 11506 of the Government Code. A hearing was set for July 23, 2013, and continued to September 26, 2013. Respondent was duly notified of the hearing date for September 26, 2013, but failed to appear. Respondent's default was entered herein.

II

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 broker.

III

On or about December 19, 2011, the final judgment of the Superior Court of the State of California, County of Ventura, Case No. 56-2010-00390400-CL-BC-VTA, was entered against Respondent based on the grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required. An award of punitive damages in the amount of \$9,000 was made against Respondent.

IV

The evidence established that the facts set forth in Paragraph III constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Section 10177.5.

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II

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

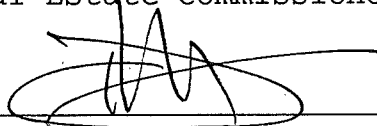
ORDER

The licenses and license rights of Respondent RAUL ROCHA 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 November 6, 2013.

DATED: OCT 10 2013

Real Estate Commissioner

A handwritten signature in black ink, appearing to be 'J. Mason', is written over a horizontal line.

By: JEFFREY MASON
Chief Deputy Commissioner

1 Department of Real Estate
2 [Street Address]
3 [City, State Zip Code]

4 Telephone: (213) 576-6982

FILED

SEP 27 2013

BUREAU OF REAL ESTATE

By *Jim*

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

11 RAUL ROCHA,)

12 Respondent(s).)

NO. H-38659 LA

DEFAULT ORDER

13
14
15 Respondent RAUL ROCHA, filed a hearing request within
16 the time required by Section 11506 of the Government Code. A
17 hearing was set for September 26, 2013. Respondent was duly
18 notified of the hearing but failed to appear. Respondent is now
19 in default. It is, therefore, ordered that a default be entered
20 on the record in this matter.
21

22 IT IS SO ORDERED SEPTEMBER 27, 2013.

23 WAYNE S. BELL
24 Real Estate Commissioner

25 *Phillip Ihde*
26 By: PHILLIP IHDE
27 Regional Manager