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FILED

DEC 14 2010

DEPARTMENT OF REAL ESTATE

By *R. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
)
 OSCAR NUNEZ,)
)
 Respondent.)

NO. H-5387 SAC

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On May 13, 2010, an Accusation was filed in this matter against Respondent OSCAR NUNEZ.

On October 12, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent OSCAR NUNEZ's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated October 12, 2010 (attached as Exhibit "A" hereto).

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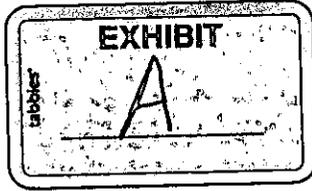
Respondent's license certificate(s), pocket card(s) and any branch office license certificate(s) shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on JAN 03 2011

DATED: 11-16-2010

JEFF DAVI
Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation and Bar Order of)	NO. H-5387 SAC
OSCAR NUNEZ,)	NO. H-5462 SAC
Respondent.)	

DECLARATION

My name is OSCAR NUNEZ, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Sections 11400 et seq., of the Government Code (herein "The Administrative Procedures Act"), I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Section 10100.2 of the Business and Professions Code (herein "the Code").

I understand that by voluntarily surrendering my license(s), I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by voluntarily surrendering my license(s), I agree to the following:

1 1. The filing of this Declaration shall be deemed as my petition for voluntary
2 surrender.

3 2. It shall also be deemed to be an understanding and agreement by me that I
4 waive all rights I have to require the Commissioner to prove the allegations contained in the
5 Accusation filed in this matter at a hearing held in accordance with the provisions of the
6 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive
7 other rights afforded to me in connection with the hearing such as the right to discovery, the
8 right to present evidence in defense of the allegations in the Accusation and the right to cross-
9 examine witnesses.

10 3. I further agree that upon acceptance by the Commissioner, as evidenced by
11 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this
12 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
13 filed in the Department Case No. H-5387 SAC, may be considered by the Department to be
14 true and correct for the purpose of deciding whether to grant relicensure or reinstatement
15 pursuant to Government Code Section 11522.

16 4. I freely and voluntarily surrender all my licenses and license rights under the
17 Real Estate Law.

18 Also in lieu of proceeding in this matter in accordance with the provisions of the
19 Administrative Procedure Act, I wish to voluntarily accept the Bar Order issued by the
20 Department of Real Estate pursuant to Section 10087 et seq. of the Code.

21 I further understand that by voluntarily accepting the Bar Order and thereby
22 waiving my right to a hearing on the Bar Order, I am prohibited for thirty-six (36) months from
23 the effective date of the Bar Order, from engaging in any of the following activities in the State
24 of California:

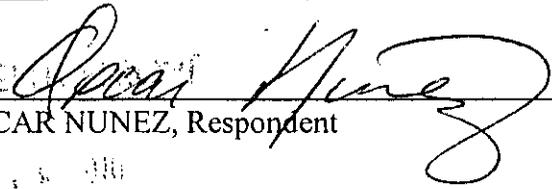
- 25 1. Holding any position of employment, management, or control in a real estate
26 business;

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- 2. Participating in any business activity of a real estate salesperson or a real estate broker;
- 3. Engaging in any real estate related activity on the premises where a real estate salesperson or real estate broker is conducting business; and
- 4. Participating in any real estate business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on Oct 12, 10, 2010, at SAN JOSE, California.
(City)


OSCAR NUNEZ, Respondent

RECEIVED

File

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
Office: (916) 227-0789
Direct: (916) 227-0822

FILED
MAY 13 2010
DEPARTMENT OF REAL ESTATE
By [Signature]

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11) No. H-5387 SAC
12 OSCAR NUNEZ,) ACCUSATION
13 Respondent.)
14)

15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California, acting in her official capacity, for cause of Accusation against
17 OSCAR NUNEZ (herein "Respondent"), is informed and alleges as follows:

18 1.

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate
21 salesperson.

22 2.

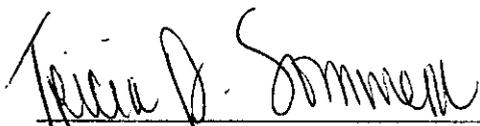
23 On or about November 6, 2009, in the Superior Court of the State of California,
24 County of Santa Clara, Case No. CC780524, Respondent was convicted of Penal Code §
25 532a(1), a misdemeanor which bears a substantial relationship under Section 2910, Title 10,
26 California Code of the Regulations, to the qualifications, functions or duties of a real estate
27 licensee.

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3.

The facts alleged in Paragraphs 2 above constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law, and for such other and further relief as may be proper under the provisions of law.



TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 10th day of May, 2010.