FILED

JUN 7 2010

DEPARTMENT OF REAL ESTATE

By L. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ANDREW BOSQUE, Respondent.	)	NO. H- 10838 SF

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 April 27, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (l) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license 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

1

On December 31, 2009, E.J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation and Notice of Intention to Issue Order of Debarment, 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 January 28, 2010.

On April 27, 2010, 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

At all times mentioned herein, Respondent has been licensed by the Department 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

On or about December 3, 2008, the State Bar Court of California, in case number 05-O-02313 LMA entered a Default *Decision and Order of Involuntary Inactive enrollment* ("Decision") recommending to the California Supreme Court that Respondent be disbarred from the practice of law within the State of California. The State Bar Court Decision was based upon the findings that Respondent committed 13 counts of professional misconduct including: (1) failure to perform services competently; (2) failing to communicate; (3) charging an unconscionable fee; (4) committing an act of moral turpitude, involving concealment; (5) failing to return client files; (6) failing to return unearned fees; (7) failure to render an accounting; (8) committing acts of moral turpitude, involving misappropriation of client funds of at least $19,252.00; and (9) failing to promptly pay client funds. On or about June 16, 2009, the California Supreme Court in case number S172330 adopted the Decision and disbarred Respondent.

4

The aforementioned acts of malfeasance, if committed by a real estate licensee in the context of the representation of real estate clients, would constitute grounds for suspension or revocation of a real estate license pursuant to the provisions of Sections 10177(f) (revocation of license by another agency of the state), 10177(g) (demonstrated negligence or incompetence), 10176(i) (other conduct which demonstrates fraud or dishonest dealing), and 10177(j) (conduct that constitutes fraud or dishonest dealing of the Code and Section 2832, Title 10, of the California Code of Regulations (improper trust handling).

DETERMINATION OF ISSUES

1

The findings above constitute cause for the suspension or revocation of the licenses and license rights of Respondent under Section 10177(f) of the Code.

2

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

ORDER

All licenses and licensing rights of Respondent ANDREW BOSQUE under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on JUN 28 2010.

DATED: 5-27-2010

JEFF DAVI
Real Estate Commissioner

KENNETH C. ESPELL, Counsel (SBN 178757)
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Sacramento, CA 95818-7007

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FILED

JAN 28 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ANDREW BOSQUE, Respondent.	H- 10838 SF ACCUSATION and NOTICE OF INTENTION TO ISSUE ORDER OF DEBARMENT (B&P Code §10087)

The Complainant, E. J. HABERER II, in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ANDREW BOSQUE, (hereinafter "Respondent"), is informed and alleges as follows:

1

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

2009 CALIFORNIA STATE BAR ACTION

2

On or about June 15, 1993, Respondent was admitted to practice law in the State of California by the California State Bar, State Bar License Number 164656.

3

On or about December 3, 2008, after giving Respondent fair notice of the pending charges and bring afforded the opportunity to request to be heard and other due process protections, the State Bar Court of California in case number 05-0-02313 LMA entered a Default *Decision and Order of Involuntary Inactive Enrollment* ("Decision") recommending to the California Supreme Court that Respondent be disbarred from the practice of law within the State of California. The State Bar Court Decision was based upon the findings that Respondent committed 13 counts of professional misconduct including: (1) failure to perform services competently; (2) failing to communicate; (3) charging an unconscionable fee; (4) committing an act of moral turpitude, involving concealment; (5) failing to return client files; (6) failing to return unearned fees; (6) failing to render an accounting; (7) committing acts of moral turpitude, involving misappropriation of client funds of at least $19,252.00; and (8) failing to promptly pay client funds. On or about June 16, 2009, the California Supreme Court in case number S172330 adopted the Decision and disbarred Respondent.

4

The aforementioned acts of malfeasance if committed by a real estate licensee in the context of the representation of real estate clients would constitute grounds for suspension or revocation of a real estate license pursuant to the provisions of Sections 10177 (f) (revocation of license by another agency of the state), 10177(g) (demonstrated negligence or incompetence), 10176 (i) (other conduct which demonstrates fraud or dishonest dealing), and 10177 (j) (conduct that constitutes fraud or dishonest dealing) of the Code and Section 2832, Title 10, of the California Code of Regulations (improper trust handling).

MATTER IN AGGRAVATION

June 2000 State Bar Court Disciplinary Action

5

After giving Respondent fair notice of the pending charges and being afforded the opportunity to request to be heard and other due process protections, on or about October 3,

2000 in California Supreme Court case number S090316, the Supreme Court adopted the stipulated agreement between the State Bar of California and Respondent entered into in State Bar Court case number 97-O-13319. As a result of this stipulation Respondent was suspended from the practice of law for one year with all but 60 days stayed and Respondent was placed on two (2) years probation (along with other terms and conditions) on the grounds that for more than three (3) years Respondent deprived a client and the California Department of Health Services of money to which they were entitled.

NOTICE OF INTENT TO ISSUE ORDER OF DEBARMENT

6

The facts alleged in Paragraphs 1 through 5, above, including, but not limited to the misappropriation of over $19,000 in client trust funds, failing to render accountings of said trust funds, charging unconscionable fees; and by engaging in dishonest or corrupt acts including making false statements and concealing facts, Respondent is subject to the issuance of an Order of Debarment pursuant to Section 10087 of the Code (another administrative agency's finding involving dishonesty, fraud or deceit or any other offense reasonably related to the qualifications, functions, duties or responsibilities of a person engaged in the real estate business is grounds for debarment). Pursuant to Section 10087(b) of the Code, you, Respondent, are hereby notified of the intention of the Commissioner to issue an Order of Debarment pursuant to Section 10087(a) of the Code should the facts alleged herein support findings that an Order of Debarment be issued.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and Notice of Intention to Issue Order of Debarment, and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code and, in addition, an Order of Debarment issue against Respondent pursuant to Section 10087 of the Code, and for such other and further relief as may be proper under other provisions of law.

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 31st day of October, 2009.