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FILED

JUL 26 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of ANDREW BOSQUE, Respondent.	H- 10972 SF NOTICE OF INTENTION TO ISSUE BAR ORDER; AND BAR ORDER (B&P Code §10087)

TO: ANDREW BOSQUE, ("Respondent")
2924 Prairie Lane
San Jose, CA 95127

Pursuant to Section 10087(b) of the California Business and Professions Code (hereinafter "the Code"), you are hereby notified of the intention of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a Bar Order pursuant to Section 10087(a) of the California Business and Professions Code.

Pursuant to the authority granted to the Commissioner by Section 10087 of the Code, and after review and consideration of:

1. 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.

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2. On or about December 3, 2008, after giving Respondent fair notice of the pending charges and being 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; (7) failing 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.

3. 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).

4. 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.

5. As a result of the aforementioned State Bar of California bar discipline, on or about January 28, 2010, an Accusation in Department of Real Estate Case Number H- 10838 SF was filed against respondent alleging that the aforementioned State Bar discipline was grounds for California Department of Real Estate discipline. A true and correct copy of this accusation is attached hereto as Exhibit "1" and is incorporated herein by reference.

6. Respondent having been properly served with the accusation and Respondent having failed to timely file a Notice of Defense, a default decision revoking Respondent's real estate license was signed by the Commissioner of the Department of Real Estate with an effective date of June 28, 2010. A true and correct copy of the Commissioners Decision is attached hereto as Exhibit "2" and is incorporated herein by reference, and as a result thereof:

The Commissioner finds that:

(A) A Bar Order is in the public interest;

(B) Respondent has knowingly committed violations of the Real Estate Law; and,

(C) Respondent's violations of the Real Estate Law have caused material damage to the public.

NOW, THEREFORE, IT IS ORDERED, pursuant to the authority of Section 10087 of the Code, you, ANDREW BOSQUE, be, and hereby are, barred and prohibited for a period of thirty-six (36) months from the effective date of this Bar Order, from engaging in any of the following activities in the State of California:

(A) Holding any position of employment, management, or control in a real estate business;

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(B) Participating in any business activity of a real estate salesperson or a real estate broker;

(C) Engaging in any real estate related business activity on the premises where a real estate salesperson or real estate broker is conducting business; and,

(D) Participating in any real estate related business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company.

NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

Pursuant to Section 10087 of the Code, you have the right to request a hearing under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section 11400 of the Government Code). If you desire a hearing, you must submit a written request within fifteen (15) days after the mailing or service of this "Notice of Intention to Issue Bar Order; and Bar Order." The request may be in any form, provided it is in writing, includes your current return address, indicates that you want a hearing, is signed by you or on your behalf, and is delivered or mailed to the Department of Real Estate, P. O. Box 187007, Sacramento, California, 95818-7007, Attention Legal Section, or is delivered personally to the offices of the Department of Real Estate, 2201 Broadway, Sacramento, California, 95818-7007.

If no hearing is requested within said fifteen (15) day time period, your failure to request a hearing shall constitute a waiver of the right to a hearing.

THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

It is so ordered on 7-23-2010.

JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner