

2.

Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate salesperson. On July 2, 2011, Respondent's license expired. Pursuant to Business and Professions Code Section 10201, Respondent retains renewal rights for two years. The Department of Real Estate holds jurisdiction over the lapsed license, pursuant to Business and Professions Code Section 10103. At the time of the transaction at issue, Respondent was licensed under the employ of Hartman Mortgage Services Inc.

3.

RHS Processing (hereinafter "RHS"), is not now and has never been, licensed by the Department in any capacity. On or about August 27, 2007, Respondent filed a fictitious business name statement for RHS with the Los Angeles County Recorder's Office.

4.

On or about February 29, 2008, Guillermo Mendez and Maria Mendez submitted a \$500 check to RHS as an advance fee for loan modification services.

DETERMINATION OF ISSUES

1.

The agreement described in Paragraph 4 above, constitutes an advance fee agreement within the meaning of Code Section 10026. Respondent failed to submit the advance fee agreement referred to in Paragraph 6, to the Commissioner ten days before using it, in violation of Code Section 10085 and Section 2970 of Title 10, California Code of Regulations ("Regulations").

2.

Under Code Section 10137, no salesperson shall be employed by, or accept compensation from any person other

than the broker under who he is at the time employed. At the time of the transaction described in paragraph 4 above, Respondent was employed by Hartman Mortgage Services Inc., a licensed real estate broker. Respondent was not entitled to receive compensation through RHS.

3.

The conduct, acts and/or omissions of Respondent, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent, pursuant to Code Sections 10085, 10137, 10177(d) and 10177(g).

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

ORDER

The license and license rights of Respondent RICHARD R. PERALTA CRUZADO 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 FEB 16 2012.

DATED: 1/24/12.

BARBARA J. BIGBY
Acting Real Estate Commissioner



FILED

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

JAN 10 2012

3 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Barbara Bigby

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-37065 LA

12 RICHARD R. PERALTA CRUZADO and)
13 ESTEBAN J. TORRES,)

DEFAULT ORDER

14)
15 Respondents.)

16
17 Respondent RICHARD R. PERARLTA CURZADO, having
18 failed to file a Notice of Defense within the time required
19 by Section 11506 of the Government Code, is now in default.
20 It is, therefore, ordered that a default be entered on the
21 record in this matter.

22 IT IS SO ORDERED

January 9, 2012

23 BARBARA J. BIGBY
Acting Real Estate Commissioner

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26 By:

Dolores Weeks
DOLORES WEEKS
Regional Manager

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FILED

1 Department of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

DEC 20 2011

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

10	In the Matter of the Accusation of)	No. H-37065 LA
)	L-2011040606
11)	
12	<u>RICHARD R. PERALTA CRUZADO and</u>)	<u>STIPULATION AND AGREEMENT</u>
	<u>ESTEBAN J. TORRES,</u>)	
13	Respondents.)	

14
15 It is hereby stipulated by and between ESTEBAN J.
16 TORRES, represented by Marisol Ocampo, and the Complainant,
17 acting by and through James A. Demus, Counsel for the Department
18 of Real Estate, as follows for the purpose of settling and
19 disposing of the Accusation in this matter:

20 1. All issues which were to be contested and all
21 evidence which was to be presented by Complainant and Respondent
22 at a formal hearing on the Accusation, which hearing was to be
23 held in accordance with the provisions of the Administrative
24 Procedure Act (APA), shall instead and in place thereof be
25 submitted solely on the basis of the provisions of this
26 Stipulation and Agreement (Stipulation).

27

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11506 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that he understands that by
10 withdrawing said Notice of Defense he thereby waives his right to
11 require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that he will waive other rights
14 afforded to him in connection with the hearing such as the right
15 to present evidence in her defense and the right to cross-examine
16 witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interest of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understand that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated to herein. The Real Estate Commissioner shall
24 not be required to provide further evidence to prove said factual
25 allegations.

26 5. This Stipulation is based on Respondent's decision
27 not to contest the allegations set forth in the Accusation as a

1 result of the agreement negotiated between the parties. This
2 Stipulation is expressly limited to this proceeding and any
3 further proceeding initiated by or brought before the Department
4 of Real Estate based upon the factual allegations in the
5 Accusation and is made for the sole purpose of reaching an agreed
6 disposition of this proceeding. The decision of Respondent not
7 to contest the allegations contained in the "Order" herein below,
8 is made solely for the purpose of effectuating this Stipulation.
9 It is the intent and understanding of the parties that this
10 Stipulation shall not be binding or admissible against Respondent
11 in any actions against Respondent by third parties.

12 6. It is understood by the parties that the Real
13 Estate Commissioner may adopt the Stipulation as her Decision in
14 this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth
16 in the "Order" herein below. In the event that the Commissioner
17 in her discretion does not adopt the Stipulation, it shall be
18 void and of no effect, and Respondent shall retain the right to a
19 hearing and proceeding on the Accusation under the provisions of
20 the APA and shall not be bound by any admission or waiver made
21 herein.

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations and solely for
3 the purpose of settlement of the Accusation without a hearing, it
4 is stipulated and agreed that the following determination of
5 issues shall be made:

6 I

7 The conduct of ESTEBAN J. TORRES, as described in
8 Paragraph 4, above, is a basis for discipline of Respondent's
9 license and license rights pursuant to Sections 10085, 10137,
10 10177(d) and 10177(g) of the Code.

11 ORDER

12 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
13 WRITTEN STIPULATION OF THE PARTIES:

14 I

15 Respondent ESTEBAN J. TORRES is publicly reprovod.

16 II

17 Respondent shall within six months from the effective
18 date of this Decision, take and pass the Professional
19 Responsibility Examination administered by the Department
20 including the payment of the appropriate examination fee. If
21 Respondent fails to satisfy this condition, the Commissioner may
22 order suspension of Respondent's license until Respondent passes
23 the examination.

24
25 DATED: 11/17/11

26 James A. Demus
27 JAMES A. DEMUS, Counsel for
the Department of Real Estate

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EXECUTION OF THE STIPULATION

I have read the Stipulation and discussed it with my counsel. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 11-17-2011

Esteban J. Torres
ESTEBAN J. TORRES, Respondent

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DATED: 11/17/11


MARISOL OCAMPO
Attorney for Respondent

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on _____.

IT IS SO ORDERED _____.

BARBARA J. BIGBY
Acting Real Estate Commissioner

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DATED: _____

MARISOL OCAMPO
Attorney for Respondent

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on JAN - 9 2012.

IT IS SO ORDERED 12/7/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner



FILED

FEB - 9 2011

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

4 (213) 576-6982
5 (213) 576-6910 (direct)

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

In the Matter of the Accusation of)	
)	No. H-37065 LA
RICHARD R. PERALTA CRUZADO and)	
ESTEBAN J. TORRES,)	<u>A C C U S A T I O N</u>
)	
Respondents.)	

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of
19 Accusation against RICHARD R. PERALTA CRUZADO and ESTEBAN J.
20 TORRES, is informed and alleges as follows:

21 1.

22 The Complainant, Maria Suarez, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in her official capacity.

25 2.

26 RICHARD R. PERALTA CRUZADO, (hereinafter "PERALTA")
27 is presently licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Business and
2 Professions Code, hereinafter "Code"), as a real estate
3 salesperson. At the time of the transaction at issue, PERALTA
4 was licensed under the employ of Hartman Mortgage Services Inc.

5 3.

6 ESTEBAN J. TORRES, (hereinafter "TORRES") is
7 presently licensed and/or has license rights under the Real
8 Estate Law as a real estate salesperson. At the time of the
9 transaction at issue, TORRES was licensed under the employ of
10 Hartman Mortgage Services Inc.

11 4.

12 RHS Processing (hereinafter "RHS"), is not now and
13 has never been licensed by the Department in any capacity. On
14 or about August 27, 2007, PERALTA filed a fictitious business
15 name statement for RHS with the Los Angeles County Recorder's
16 Office.

17 5.

18 PERALTA and TORRES engaged in the business of real
19 estate brokers in the State of California within the meaning of
20 Code Sections 10131(d) and 10131.2, including brokering
21 mortgage loans and performing loan modification activities and
22 claiming, demanding, charging, receiving, collecting or
23 contracting for the collection of an advance fee, within the
24 meaning of Code Section 10026, including, but not limited to,
25 the following loan modification activity, with respect to a
26 loan which was secured by a lien on real property.

27 ///

1 6.

2 Mendez Transaction

3 On or about February 29, 2009, Guillermo Mendez and
4 Maria Mendez submitted a \$500 check to RHS as an advance fee
5 for loan modification services. On February 29, 2008 and
6 March 26, 2008, TORRES sent letters to Guillermo and Maria
7 Mendez's lender, in which TORRES attempted to negotiate a loan
8 modification on behalf of Guillermo and Maria Mendez.

9 7.

10 The agreement described in Paragraph 6 above,
11 constitutes an advance fee agreement within the meaning of Code
12 Section 10026. PERALTA and TORRES failed to submit the advance
13 fee agreement referred to in Paragraph 6 to the Commissioner
14 ten days before using it, in violation of Code Section 10085
15 and Section 2970 of Title 10, California Code of Regulations
16 ("Regulations").

17 8.

18 Under Code Section 10137, no salesperson shall be
19 employed by, or accept compensation from any person other than
20 the broker under who he is at the time employed. At the time
21 of the transaction described in paragraph 6 above, PERALTA and
22 TORRES were both employed by Hartman Mortgage Services Inc.
23 The Respondent's were not entitled to receive compensation
24 through RHS.

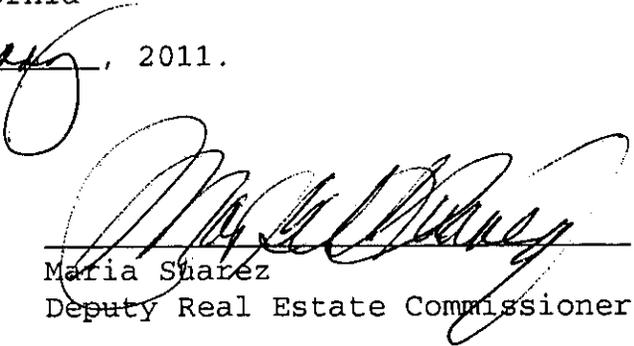
25 9.

26 The conduct, acts and/or omissions of PERALTA and
27 TORRES, as set forth above, are cause for the suspension or

1 revocation of the licenses and license rights of PERALTA and
2 TORRES, pursuant to Code Sections 10085, 10137, 10177(d) and/or
3 10177(g).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all the licenses and license rights of
8 Respondents RICHARD R. PERALTA CRUZADO and ESTEBAN J. TORRES
9 under the Real Estate Law, and for such other and further
10 relief as may be proper under other applicable provisions of
11 law.

12 Dated at Los Angeles, California
13 this 4th day of February, 2011.

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16 
17 Maria Suarez
18 Deputy Real Estate Commissioner
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24 cc: RICHARD R. PERALTA CRUZADO
25 ESTEBAN J. TORRES
26 Hartman Mortgage Services Inc.
27 Mi Casa Online Realty Inc.
Maria Suarez
Sacto.