

**FILED**

FEB 19 2013

1 Department of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE  
BY: [Signature]

4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

|    |                                    |   |                    |
|----|------------------------------------|---|--------------------|
| 11 | In the Matter of the Accusation of | ) | No. H-37452 LA     |
| 12 | CONQUISTAMERICA INC; and           | ) | <u>STIPULATION</u> |
| 13 | ARTURO JESUS OCHOA,                | ) | <u>AND</u>         |
| 14 | individually and as designated     | ) | <u>AGREEMENT</u>   |
| 15 | officer of ConquistAmerica Inc,    | ) |                    |
| 16 | Respondents.                       | ) |                    |

17 It is hereby stipulated by and between Respondent  
18 ARTURO JESUS OCHOA, ("Respondent"), and his attorney of record,  
19 Mary E. Work, and the Complainant, acting by and through Amelia  
20 V. Vetrone, Counsel for the Department of Real Estate, as follows  
21 for the purpose of settling and disposing of the Accusation filed  
22 on August 18, 2011, in this matter:

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

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement ("Stipulation").

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

7           3. Respondent filed a Notice of Defense pursuant to  
8 Section 11506 of the Government Code for the purpose of  
9 requesting a hearing on the allegations in the Accusation.

10 Respondent hereby freely and voluntarily withdraws said Notice of  
11 Defense. Respondent acknowledges that he understands that by  
12 withdrawing said Notice of Defense he thereby waives his right to  
13 require the Commissioner to prove the allegations in the  
14 Accusation at a contested hearing held in accordance with the  
15 provisions of the APA and that he will waive other rights  
16 afforded to him in connection with the hearing such as the right  
17 to present evidence in his defense, and the right to cross-  
18 examine witnesses.

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

1           5. This Stipulation is made for the purpose of  
2 reaching an agreed disposition of this proceeding and is  
3 expressly limited to this proceeding and any other proceeding or  
4 case in which the Department of Real Estate ("Department"), or  
5 another licensing agency of this state, another state, or the  
6 federal government is involved, and otherwise shall not be  
7 admissible in any other criminal or civil proceeding.

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

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

24           8. Respondent understands that by agreeing to this  
25 Stipulation, Respondent agrees to pay, pursuant to Business and  
26 Professions Code Section 10148, the cost of the audit (LA  
27 090189). The amount of said cost for the audits was \$5,316.



1 said suspension shall be stayed upon the following terms and  
2 conditions:

3 1. Respondent ARTURO JESUS OCHOA shall pay a monetary  
4 penalty pursuant to Section 10175.2 of the Business and  
5 Professions Code of \$3,000 (at the rate of \$100 per day for each  
6 day of the suspension) for a total monetary penalty of \$3,000.

7 2. Said payment shall be in the form of a cashier's  
8 check or certified check made payable to the Recovery Account of  
9 the Real Estate Fund. Said check must be received by the  
10 Department prior to the effective date of the Decision in this  
11 matter.

12 3. No further cause for disciplinary action against  
13 the real estate license of Respondent ARTURO JESUS OCHOA occurs  
14 within two (2) years from the effective date of the Decision in  
15 this matter.

16 4. If Respondent ARTURO JESUS OCHOA fails to pay the  
17 monetary penalty in accordance with the terms and conditions of  
18 the Decision, the Commissioner may, without a hearing, order the  
19 immediate execution of all or any part of the stayed suspension,  
20 in which event the Respondent shall not be entitled to any  
21 repayment nor credit, prorated or otherwise, for money paid to  
22 the Department under the terms of this Decision.

23 5. If Respondent ARTURO JESUS OCHOA pays the monetary  
24 penalty and if no further cause for disciplinary action against  
25 the real estate license of Respondent ARTURO JESUS OCHOA occurs  
26 within two (2) years from the effective date of the Decision, the  
27 stay hereby granted shall become permanent.



1 stayed suspension until Respondent presents such evidence.

2 III.

3 Respondent shall, within nine (9) months from the  
4 effective date of this Decision, present evidence satisfactory to  
5 the Real Estate Commissioner that Respondent has, since the most  
6 recent issuance of an original or renewal real estate license,  
7 taken and successfully completed the continuing education  
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
9 for renewal of a real estate license. If Respondent fails to  
10 satisfy this condition, the Commissioner may, in his discretion,  
11 vacate and set aside the stay order and reimpose all or a portion  
12 of the stayed suspension until Respondent presents such evidence.  
13 The Commissioner shall afford Respondent the opportunity for a  
14 hearing pursuant to the Administrative Procedure Act to present  
15 such evidence.

16 IV.

17 Respondent shall, within six (6) months after the  
18 effective 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 the license until respondent passes the  
23 examination.

24 V.

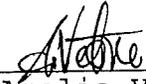
25 Pursuant to Section 10148 of the Business and  
26 Professions Code, Respondent shall pay the Commissioner's  
27 reasonable cost for (a) the audits which led to this disciplinary

1 action and (b) a subsequent audit to determine if Respondent is  
2 now in compliance with the Real Estate Law. The cost of the  
3 audit which led to this disciplinary action is \$5,316. In  
4 calculating the amount of the Commissioner's reasonable cost, the  
5 Commissioner may use the estimated average hourly salary for all  
6 persons performing audits of real estate brokers, and shall  
7 include an allocation for travel time to and from the auditor's  
8 place of work. Said amount for the subsequent audits, shall not  
9 exceed \$5,316.

10 Respondent shall pay such cost within 60 days of  
11 receiving an invoice from the Commissioner detailing the  
12 activities performed during the audit and the amount of time  
13 spent performing those activities.

14 The Commissioner may suspend the license of Respondent  
15 pending a hearing held in accordance with Section 11500, et seq.,  
16 of the Government Code, if payment is not timely made as provided  
17 for herein, or as provided for in a subsequent agreement between  
18 Respondent and the Commissioner. The suspension shall remain in  
19 effect until payment is made in full or until Respondent enters  
20 into an agreement satisfactory to the Commissioner to provide for  
21 payment, or until a decision providing otherwise is adopted  
22 following a hearing held pursuant to this condition.

23  
24  
25 DATED: 1-23-13

  
Amelia V. Vetrone, Counsel for  
the Department of Real Estate

26  
27 ///

1 \* \* \*

2 EXECUTION OF THE STIPULATION

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

13 Respondent shall (1) mail the original signed signature  
14 page of the stipulation herein to Amelia V. Vetrone: Attention:  
15 Legal Section, Department of Real Estate, 320 W. Fourth St.,  
16 Suite 350, Los Angeles, California 90013-1105. Additionally,  
17 Respondent shall also (2) facsimile a copy of the signed  
18 signature page, to the Department at the following fax number:  
19 (213) 576-6917, Attention: Amelia V. Vetrone.

20  
21 DATED: 01/03/2013<sup>2</sup>

22   
ARTURO JESUS OCHOA,  
Respondent

23  
24 DATED: 1/16/13

25   
MARY E. WORK,  
Attorney for Respondent  
Approved as to form

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27 ///

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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent ARTURO JESUS OCHOA and  
shall become effective at 12 o'clock noon on  
March 15, 2013

IT IS SO ORDERED 2/5/13

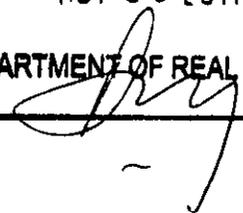
Real Estate Commissioner



By AWET P. KIDANE  
Chief Deputy Commissioner

**FILED**

NOV 30 2011

DEPARTMENT OF REAL ESTATE  
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

|                                    |   |                |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of | ) |                |
|                                    | ) | NO. H-37452 LA |
| <u>CONQUISTAMERICA INC:</u> and    | ) |                |
| ARTURO JESUS OCHOA,                | ) |                |
| individually and as designated     | ) |                |
| officer of ConquistAmerica Inc,    | ) |                |
|                                    | ) |                |
| Respondent.                        | ) |                |
|                                    | ) |                |

---

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 October 12, 2011, 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.

FINDINGS OF FACT

1.

On August 2, 2011, 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, return receipt requested, to Respondent at its address of record on August 18, 2011, and by regular mail on August 24, 2011.

On October 12, 2011, no Notice of Defense having been filed herein on behalf of Respondent CONQUISTAMERICA INC ("CI")

within the time prescribed by Section 11506 of the Government Code, CI's default was entered herein.

2.

CI 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 ("Code"), as a corporate real estate broker. CI was originally issued a corporate real estate broker license by the Department on September 6, 2005.

3.

At all times herein mentioned, CI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a corporate real estate broker in the State of California within the meaning of Code Section 10131. Its activities included acting for another or others in the purchase, sale, or exchange of real property. Said activity also included soliciting borrowers and lenders and negotiating the terms of loans to be secured by liens on real property in expectation of compensation.

4.

On July 2, 2010, the Department completed an audit examination of the books and records of CI pertaining to the real estate sales activities described in paragraph 3, above. The audit examination covered the period of time from April 1, 2007, to March 31, 2010. The audit examination revealed numerous violations of the Real Estate Law (Part I of Division 4 of the Business and Professions Code) as set forth in Audit Report LA 090189 and the exhibits and work papers attached to said audit report. Specifically, Respondent CI was found to have violated Code Sections, 10145, 10137, and 10159.5, and Sections 2731, 2831, 2832, and 2905 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

5.

On or about August 2, 2010, the Franchise Tax Board of the State of California suspended the powers, rights and privileges of CI pursuant to the provisions of the California Revenue and Taxation Code. The corporate powers, rights and privileges of CI remain suspended to date, in violation of Regulation 2742(c).

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent CONQUISTAMERICA INC exists pursuant to Business and Professions Code Sections 10145, 10137, 10159.5, 10177(d) and 10177(f) and Regulations 2731, 2742(c), 2831, 2832, and 2905 of Title 10, Chapter 6, California Code of Regulations.

2.

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

ORDER

The license and license rights of Respondent CONQUISTAMERICA INC, 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 December 20, 2011.

DATED: 11/17, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



**FILED**

OCT 12 2011

DEPARTMENT OF REAL ESTATE  
BY: [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|                                    |   |                      |
|------------------------------------|---|----------------------|
| In the Matter of the Accusation of | ) |                      |
|                                    | ) | NO. H-37452 LA       |
| <u>CONQUISTAMERICA INC.</u> and,   | ) |                      |
| ARTURO JESUS OCHOA,                | ) | <u>DEFAULT ORDER</u> |
| individually, and as designated    | ) |                      |
| officer of Conquistamerica Inc,    | ) |                      |
|                                    | ) |                      |
| Respondents.                       | ) |                      |

Respondent, CONQUISTAMERICA INC., having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED October 6, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner

[Signature]  
By: DOLORES WEEKS  
Regional Manager

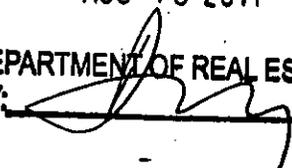
Sach

1 Amelia V. Vetrone, SBN 134612  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 Direct (213) 576-6940

**FILED**

AUG 18 2011

DEPARTMENT OF REAL ESTATE  
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 CONQUISTAMERICA INC; and )  
14 ARTURO JESUS OCHOA, )  
15 individually and as designated )  
16 officer of ConquistAmerica Inc, )  
17 Respondents. )

No. H- 37452 LA

A C C U S A T I O N

17 The Complainant, Robin Trujillo, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against CONQUISTAMERICA INC, and ARTURO JESUS OCHOA individually  
20 and as designated officer of ConquistAmerica Inc, is informed and  
21 alleges as follows:

22 1.

23 The Complainant, Robin Trujillo, a Deputy Real Estate  
24 Commissioner of the State of California, makes this Accusation in  
25 her official capacity.

26 ///

1 2.

2 All references to the "Code" are to the California  
3 Business and Professions Code and all references to "Regulations"  
4 are to Title 10, Chapter 6, California Code of Regulations.

5 3.

6 Respondent CONQUISTAMERICA INC ("CI") is licensed by the  
7 Department of Real Estate ("Department") as a corporate real  
8 estate broker. Respondent CI was originally licensed as a  
9 corporate real estate broker on or about September 6, 2005, with  
10 Respondent ARTURO JESUS OCHOA ("OCHOA") as its designated officer  
11 until June 03, 2010. CI currently has no designated officer, and  
12 the corporate status of CI was suspended by the California  
13 Franchise Tax Board, effective August 2, 2010.

14 4.

15 Respondent OCHOA is licensed by the Department as a  
16 real estate broker. Respondent OCHOA was originally licensed as  
17 a real estate broker on June 4, 2003. Effective June 3, 2011,  
18 Respondent's real estate broker license expired. Pursuant to  
19 Code Section 10201, Respondent has a two-year right of renewal.  
20 Pursuant to Code Section 10103, the Department of Real Estate  
21 retains jurisdiction.

22 5.

23 At all times mentioned, in the City of Santa Ana,  
24 County of Orange, Respondents engaged in the business of, acted  
25 in the capacity of, advertised, or assumed to act as real estate  
26 brokers within the meaning of Code Sections 10131(a) and  
27 10131(d), including the solicitation for listings of and the

1 negotiation of the purchase and sale of real property or a  
2 business opportunity as the agent of others, and the solicitation  
3 of borrowers or lenders for and/or negotiation of loans,  
4 collecting payments and/or performing services for borrowers or  
5 lenders in connection with loans secured by liens on real  
6 property.

7 FIRST CAUSE OF ACCUSATION

8 (Audit of CI)

9 6.

10 On July 2, 2010, the Department completed an audit  
11 examination of the books and records of CI pertaining to the real  
12 estate sales activities described in paragraph 5, above. The  
13 audit examination covered the period of time from April 1, 2007,  
14 to March 31, 2010. The primary purpose of the examination was to  
15 determine Respondents' compliance with the Real Estate Law. The  
16 audit examination revealed numerous violations of the Code and  
17 the Regulations as set forth in the following paragraphs, and  
18 more fully discussed in Audit Report LA 090189 and the exhibits  
19 and work papers attached to said audit report.

20 7.

21 At all times herein relevant, in connection with the  
22 activities described in Paragraph 5, above, CI maintained a trust  
23 account, but no funds were deposited or disbursed during the  
24 audit period.

25 8.

26 With respect to the licensed activities referred to in  
27 Paragraph 5, and the audit examination including the exhibits and

1 work papers referenced in Paragraph 6, it is alleged that

2 Respondents CI and OCHOA:

3 (a) Failed to maintain a columnar record of the  
4 receipt and disbursement of trust funds received, but not placed  
5 in CI's trust account with regard to some earnest money deposits,  
6 in violation of Code Section 10145 and Regulation 2831;

7 (b) Failed to place trust funds, including earnest  
8 money deposits accepted on behalf of another, including but not  
9 limited to buyers Punjabi and Hu, into the hands of the owner of  
10 the funds, a neutral escrow depository, or into a trust fund  
11 account in the name of the trustee at a bank or other financial  
12 institution not later than three business days following receipt  
13 of the funds by the broker or by the broker's salesperson, in  
14 violation of Code Section 10145 and Regulation 2832;

15 (c) Misrepresented to sellers that CI held an earnest  
16 money deposit from the buyer for the transaction involving  
17 Bridgeway Processing Services LLC, in violation of Code Section  
18 10176(a);

19 (d) Employed and/or compensated Roberto Ruiz, who was  
20 licensed by the Department as a real estate salesperson, yet not  
21 licensed under CI or OCHOA, where Roberto Ruiz negotiated the  
22 Punjabi sales transaction, in violation of Code Section 10137;

23 (e) Failed to maintain a record of the pest control  
24 report in one known real estate sales transaction, in violation  
25 of Regulation 2905;

26 (f) Used the fictitious business name "Elite Team  
27 Realty" to conduct real estate activities without obtaining a

1 license from the Department to conduct real estate activities  
2 under that fictitious business name, in violation of Code Section  
3 10159.5 and Regulation 2731; and

4 (g) As to Respondent OCHOA, failed to exercise  
5 adequate supervision over the activities of CI to ensure  
6 compliance with the Real Estate Laws, in violation of Code  
7 Sections 10159.2 and 10177(h), and Regulation 2725.

8 9.

9 The conduct of Respondents described in Paragraph 8,  
10 above, violated the Code and the Regulations as set forth below:

| 11 <u>PARAGRAPH</u> | <u>PROVISIONS VIOLATED</u>                   |
|---------------------|--|
| 12                  |  |
| 13 8(a)             | Code Section 10145 and<br>14 Regulation 2831 |
| 15                  |  |
| 16                  |  |
| 17 8(b)             | Code Section 10145 and<br>18 Regulation 2832 |
| 19                  |  |
| 20                  |  |
| 21 8(c)             | Code Section 10176(a)                        |
| 22                  |  |
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| 24 8(d)             | Code Sections 10137                          |
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8(e) Regulation 2905

8(f) Code Section 10159.5 and  
Regulation 2731

8(g) Code Sections 10159.2, 10177(h) and  
Regulation 2725 (OCHOA)

Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10177(d), 10177(g), and/or 10177(h).

SECOND CAUSE OF ACCUSATION

(Corporate Suspension of CI)

10.

On or about August 2, 2010, the Franchise Tax Board of the State of California suspended the powers, rights and privileges of Respondent CI pursuant to the provisions of the California Revenue and Taxation Code. The corporate powers, rights and privileges of Respondent remain suspended to date.

11.

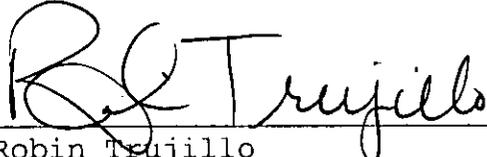
The conduct of Respondent, CI, as alleged above, is in violation of Section 2742(c) of Title 10, Chapter 6, California Code of Regulations, and subjects its real estate license and

1 license rights to suspension or revocation pursuant to Code  
2 Section 10177(d) and (f).

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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 the license and license rights of Respondents CONQUISTAMERICA INC, ARTURO JESUS OCHOA individually and as designated officer of ConquistAmerica Inc, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California: August 2, 2011.

  
\_\_\_\_\_  
Robin Trujillo  
Deputy Real Estate Commissioner

cc: ConquistAmerica Inc  
Arturo Jesus Ochoa  
Robin Trujillo  
Sacto  
Audits - Isabel Beltran