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FEB 27 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

ALEX ROCHA,

Respondent.

No. H-1979 SA

ORDER DENYING REINSTATEMENT OF LICENSE

On November 12, 1996, a Decision was rendered revoking the restricted real estate broker license of Respondent but granting Respondent a restricted salesperson license, which was issued on December 4, 1996.

On April 17, 2007, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license at this time.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*)

1 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
2 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
3 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

4 The Department has developed criteria in Section 2911 of Title 10, California
5 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
6 reinstatement of a license. Among the criteria relevant in this proceeding are:

7 Regulation 2911(j)—discharge of debts.

8 Respondent has not paid all back taxes.

9 Regulation 2911(l) Significant or conscientious involvement in community,
10 church or privately-sponsored programs designed to provide social benefits or to ameliorate
11 social problems.

12 Respondent has not provided evidence of qualifying community service activities.

13 Regulation 2911(n) Change in attitude from that which existed at the time of the
14 conduct in question as evidenced by any or all of the following:

15 (1) Testimony of applicant.

16 Respondent refuses to provide employment information.

17 (2) Evidence from family members, friends or other persons familiar with
18 applicant's previous conduct and with Respondent's subsequent attitudes and behavioral
19 patterns.

20 (3) Evidence from probation or parole officers or law enforcement officials
21 competent to testify as to applicant's social adjustments.

22 (4) Evidence from psychiatrists or other persons competent to testify with regard
23 to neuropsychiatric or emotional disturbances.

24 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
25 of an inability to conform to societal rules when considered in light of the conduct in question.

26
27 Given the violations found and the fact that Respondent has not established that

1 Respondent has complied with Regulations 2911 (j), (l) and (n), I am not satisfied that
2 Respondent is sufficiently rehabilitated to receive a real estate broker license.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement of Respondent's real estate broker license is denied.

5 This Order shall become effective at 12 o'clock noon on MAR 18 2010

6 IT IS SO ORDERED 2/21/2010

7 JEFF DAVIS
8 Real Estate Commissioner

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MAY 1 2000

DEPARTMENT OF REAL ESTATE

By Jean Rocha

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ALEX ROCHA,)
Respondent.)

No. H-1979 SA

ORDER DENYING REINSTATEMENT OF LICENSE

On November 12, 1996, a Decision After Rejection was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on December 4, 1996, and Respondent has held a restricted license since that time.

On December 30, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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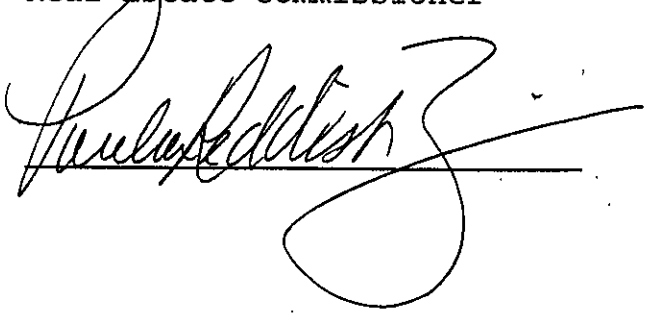
1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license in that Respondent has
6 failed to discharge debts in excess of \$20,000 owed to the
7 California Franchise Tax Board, \$200,000 owed to the Internal
8 Revenue Service and \$2,200 to the County of Orange. Respondent
9 has entered into arrangements to pay those debts but, in view of
10 the large amount still owing, I am not satisfied that Respondent
11 is sufficiently rehabilitated to receive a real estate broker
12 license.

13 NOW, THEREFORE, IT IS ORDERED that Respondent's
14 petition for reinstatement of his real estate broker license is
15 denied.

16 This Order shall become effective at 12 o'clock
17 noon on May 31, 2000.

18 DATED: April 27, 2000.

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

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1 Respondent was notified that the case would be decided by me upon
2 the record, the transcript of proceedings held on June 21, 1996,
3 and upon any written argument offered by Respondents.

4 The transcripts of the proceedings were received on
5 August 30, 1996 and respondents were notified by letter that day
6 of the receipt of the transcripts and were given 15 days within
7 which to submit written argument. Argument by Respondent was
8 received on September 19, 1996.

9 I have given careful consideration to the record in this
10 case, including the transcript of proceedings of June 21, 1996,
11 and to the argument submitted by Respondent.

12 The following shall constitute the Decision of the Real
13 Estate Commissioner in the above - entitled matter:

14 FINDINGS OF FACT

15 The Findings Of Fact of the Administrative Law Judge set
16 forth in the Proposed Decision dated July 15, 1996, are hereby
17 adopted as the Findings of Fact of the Real Estate Commissioner in
18 the above entitled matter.

19 DETERMINATION OF ISSUES

20 The Determination of Issues of the Administrative Law
21 Judge set forth in the Proposed Decision dated June 21, 1996, are
22 hereby adopted as the Determination of Issues of the Real Estate
23 Commissioner in the above entitled matter.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All real estate licenses and license rights issued to
27 respondent ALEX ROCHA are revoked. However, not later than 90



1 days from the effective date of this decision, Respondent ROCHA
2 may apply for a restricted real estate salesperson license which
3 shall be issued pursuant to the provisions of Code Sections
4 10156.5, 10156.6 and 10156.7, and further subject to the following
5 terms and conditions:

6 1. Said restricted license may be suspended prior to
7 hearing by order of the Real Estate Commissioner in the event of
8 Respondent's conviction (including conviction on a plea of nolo
9 contendere) of a crime which bears a significant relation to
10 Respondent's qualifications, functions or duties as a real estate
11 licensee.

12 2. Said restricted license may be suspended prior to
13 hearing by order of the Real Estate Commissioner on evidence
14 satisfactory to the Commissioner that Respondent has violated
15 provisions of the California Real Estate Law, the Subdivided Lands
16 Law, Regulations of the Real Estate Commissioner, or conditions
17 attaching to this restricted license.

18 3. The restricted license to be issued upon application
19 of the Respondent shall not confer any property right in the
20 privileges to be exercised thereunder.

21 4. Respondent shall not petition the Commissioner for
22 the removal of any of said conditions, limitations or restrictions
23 of said restricted license prior to the expiration of two (2)
24 years from the date of issuance of the restricted license.

25 5. Respondent shall, within six (6) months from the
26 effective date of the restricted license, take and pass the
27 Professional Responsibility Examination administered by the



1 Department, including the payment of the appropriate examination
2 fee. If Respondent fails to satisfy this condition, the
3 Commissioner may order suspension of the restricted license until
4 Respondent passes the examination.

5 6. Respondent shall, within Twelve (12) months from the
6 effective date of the restricted license, present evidence
7 satisfactory to the Real Estate Commissioner that he has, since
8 the most recent issuance of an original or renewal real estate
9 license, taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
11 for renewal of a real estate license. If Respondent fails to
12 satisfy this condition, the Real Estate Commissioner may order the
13 suspension of the restricted license until Respondent presents
14 such evidence. The Real Estate Commissioner shall afford
15 Respondent the opportunity for a hearing pursuant to the APA to
16 present such evidence.

17 7. Respondent shall submit to the Real Estate
18 Commissioner, as a condition to the employment by or transfer to a
19 new employing broker with said applications for license or
20 transfer, a statement signed by the employing broker which shall
21 certify:

22 (a) That the prospective employing broker has read
23 the Proposed Decision by the Administrative Law
24 Judge and the Decision of the Commissioner which
25 granted the right to a restricted license;

26 (b) That, as employing broker, he or she will
27 carefully review all transactions and documents



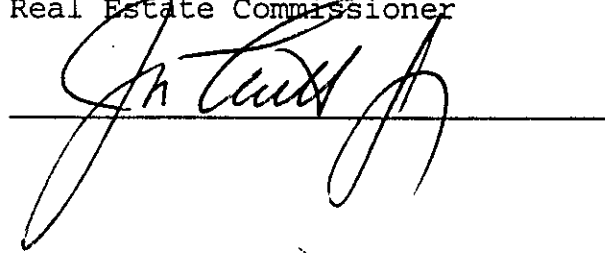
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prepared by the restricted licensee and otherwise
exercise close supervision over the restricted
licensee.

This Decision shall become effective at 12 o'clock noon
on December 4, 1996.

IT IS SO ORDERED 11/12 1996.

JIM ANTT, JR
Real Estate Commissioner



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FILED
AUG 14 1996

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
ALEX ROCHA,)	NO. H-1979 SA
Respondent.)	L-9509088

NOTICE

TO: ALEX ROCHA, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 15, 1996, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 15, 1996, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on June 21, 1996, and any written argument hereafter submitted on behalf of respondent and complainant.

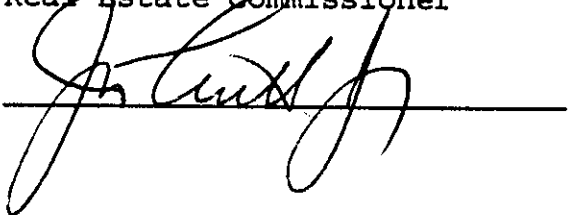
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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of June 21, 1996, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 7/25/96

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
ALEX ROCHA) DRE No. H-1979-SA
Respondent.) OAH No. L-9509088
_____)

PROPOSED DECISION

This matter came on regularly for hearing before David B. Rosenman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on June 21, 1996. Complainant Thomas McCrady, Deputy Real Estate Commissioner of the Department of Real Estate ("Department") was represented by Sean Crahan, Staff Counsel. Respondent Alex Rocha was present and represented himself.

Oral and documentary evidence was received, and the matter was submitted.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact:

1. The Accusation was made by Thomas McCrady, a Deputy Real Estate Commissioner, in his official capacity.

2. At all material times, respondent Alex Rocha was licensed by the department as a real estate broker, doing business as Centerpointe Financial and Villa Associates Realty.

3. In the period from March 1, 1992 through March 31, 1993, respondent operated as a real estate broker by soliciting and negotiating loans secured by liens on real property as the agent for others, for and in expectation of compensation.

4. In connection with his real estate brokerage activities, respondent accepted or received funds from borrowers for credit reports, which were deposited by respondent in an account at Frontier Bank known as the Centerpointe Financial Trust Account (Trust 1).

5. In connection with his real estate brokerage activities, respondent accepted or received funds from lenders to be disbursed through escrow to borrowers, which were deposited by

respondent in an account at Guardian Bank known as the Escrow Partners as agent for Centerpointe Financial Escrow (Trust 2).

6. Neither Trust 1 or Trust 2 were set up in the name of respondent as trustee.

7. Respondent failed to maintain a columnar record for Trust 1 of trust funds received and disbursed, including date of deposit, check number, amount of disbursement and a running balance of the credit report fees collected from borrowers by respondent.

8. Respondent failed to maintain separate records for each borrower who delivered credit report fees to him.

9. Respondent conducted escrow business from an unlicensed branch office at 307 E. Chapman Avenue, Orange, California.

10. Respondent failed to provide mortgage loan disclosure statements to borrowers Cronin, Corona and Lee.

11. As to Findings 3, 4, 5 and 6, respondent believes that having his name as a signatory upon these accounts is sufficient.

12. As to Findings 3, 4, 7 and 8, respondent states that he and the Department's auditor did not have access to certain records that may have been locked in a file cabinet maintained in his office by someone else. Further, he did not bring records to the hearing because he did not know he would need them, as he was not certain of the charges against him.¹

13. As to Findings 5 and 9, respondent states that Escrow Partners was a corporation that did escrows for various real estate brokers, and respondent was not aware that he needed a license for its location. Further, the Chapman street address was a suite of executive offices where respondent took an office after he closed his office in Anaheim. The Chapman address has nothing to do with Escrow Partners.

14. As to Findings 3, 4 and 10, respondent states that it is his belief that the actual mortgage lender is responsible for sending out the disclosure statement, and that therefore the

¹There was some question as to whether respondent was ever properly served with the Accusation. However, after having time to review the Accusation, and after refusing the Administrative Court's offer to continue the hearing so he might have additional time to prepare his defense, respondent indicated he wanted to waive any right to proper service and proceed with the hearing.

broker is not required to do so.

15. Although respondent may be knowledgeable in the practical aspects of the duties and responsibilities of a real estate broker acting, as does, as a mortgage broker, he is completely lacking in understanding the legal requirements relating to the required titles of trust accounts, maintenance of separate borrowers' records of trust funds, and mortgage loan disclosure statements. He therefore offered no evidence of any attempt to comply with the applicable regulations and statutes, despite, in April, 1993, having been given a list of the violations found by the Department's auditor, along with citations to the applicable regulations and statutes.

16. Respondent's claim that he could have brought records re: Findings 7 and 8 if he had known of the allegations is of no effect, as he waived all rights he might have had to complain of the lack of proper service of the Accusation. See footnote 1.

17. Respondent's real estate broker's license was previously disciplined by a Stipulation in Settlement and Order, signed by respondent October 2, 1991, signed as an Order on October 26, 1991 and effective December 3, 1991. Therein, respondent admitted to several violations relating to the manner in which loans were solicited and trust funds maintained, and failure to supervise employees. As a result, respondent's license was revoked; however, respondent was permitted to, and did, obtain a restricted license under Business and Professions Code, section 10156.5, under certain terms and conditions, including that the restricted license would be suspended for 90 days, respondent would obey the Real Estate Law, respondent would take the professional responsibility exam and additional continuing education courses, and respondent could not apply for an unrestricted license for 2 years.

According to his license history, respondent obtained the restricted license, issued January 14, 1992. It is inferred that he complied with the exam and education requirements of the Order.

Respondent claims that he was not involved in the day-to-day operation or activities of the entities whose acts resulted in the prior accusation, and that he merely allowed his license to be used by these other entities. He entered into the settlement stipulation to avoid a protracted hearing.

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DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1. Cause exists to suspend or revoke respondent's real estate broker's license pursuant to Business & Professions Code, sections 10145, 10177(d) and 10177(k), and California Code of Regulations, Title 10, section 2830 (trust accounts), for failure to deposit trust funds in a trust account in the name of the broker as trustee and for violating the terms of an order granting a restricted license, as set forth in Findings 2, 3, 4, 5, 6 and 17.

2. Cause exists to suspend or revoke respondent's real estate broker's license pursuant to Business & Professions Code, sections 10177(d) and 10177(k), and California Code of Regulations, Title 10, section 2831 (trust accounts), for failure to maintain columnar records for funds deposited in trust and for violating the terms of an order granting a restricted license, as set forth in Findings 2, 3, 4, 5, 7 and 17.

3. Cause exists to suspend or revoke respondent's real estate broker's license pursuant to Business & Professions Code sections 10177(d) and 10177(k), and California Code of Regulations, Title 10, section 2831.1 (trust accounts), for failure to maintain separate borrower records for funds deposited in trust and for violating the terms of an order granting a restricted license, as set forth in Findings 2, 3, 4, 5, 8 and 17.

4. Cause exists to suspend or revoke respondent's real estate broker's license pursuant to Business & Professions Code sections 10177(d) and 10177(k), and California Code of Regulations, Title 10, section 2715 (business address of licensee), for failure to notify the Department of a business address and for violating the terms of an order granting a restricted license, as set forth in Findings 2, 3 and 9.

5. Cause exists to suspend or revoke respondent's real estate broker's license pursuant to Business & Professions Code sections 10177(d), 10177(k) and 10240 (delivery of loan disclosure statement), and for violating the terms of an order granting a restricted license, as set forth in Findings 2, 3, 5 and 10.

6. It is a broker's responsibility to be aware of the statutes and regulations under which he is governed, and not only comply when told later of the violation.

It would not be contrary to the public interest to

revoke respondent's license and allow respondent to apply for a restricted license with appropriate probationary conditions, so as to protect the public welfare. Among other restrictions, respondent should take applicable courses to learn how to bring his real estate activities into compliance with the law.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Alex Rocha under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays the appropriate fee within 90 days from the effective date of this Decision.

The restricted and conditioned license issued to the respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under authority of section 10156.6 of said Code:

1. Any restricted real estate license issued to respondent pursuant to this Decision shall be suspended for sixty (60) days from the date of issuance of the restricted license.

2. Respondent shall submit written reports to the Department of Real Estate, as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect, including such information concerning respondent's activities for which a real estate license is required as the Real Estate Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

3. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department, and pay the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order the suspension of respondent's restricted license until respondent passes the examination.

NOT ADOPTED

4. Respondent shall, within twelve (12) months of the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner of successful completion, since the most recent issuance of an original or renewal real estate license, of the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law (Business & Professions Code sections 10170 et seq.) for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent has submitted such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Pursuant to Business & Professions Code section 10148, respondent shall pay the Commissioner's reasonable cost for an audit as a result of the trust fund violations found in the Determination of Issues. In calculating the amount of the reasonable costs, the Commissioner may use the estimated average hourly salary for all Department Audit Section personnel performing audits of real estate brokers, and may include an allocation for travel time to and from the auditor's place of work. Respondent shall pay such costs within 45 days of receiving an invoice from the Commissioner detailing the activities performed and the amount of time spent thereon.

The Commissioner may suspend the restricted license pending a hearing held in accordance with Government Code section 11500, et seq., if payment is not timely made as set forth above or as provided for in any subsequent agreement between respondent and the Commissioner. Such suspension shall remain in effect until payment is made in full or until respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

6. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner or conditions attaching to the restricted license.

7. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California.

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NOT ADOPTED

8. Respondent shall not be eligible to apply for the issuance of an unrestricted license until three (3) years have elapsed from the date of issuance of the restricted license pursuant to this Decision. Respondent shall not be eligible to apply for the removal of any conditions, limitations or restrictions attaching to the restricted license, until one (1) year has elapsed from the date of issuance of the restricted license pursuant to this Decision.

NOT RECORDED

DATED: July 15, 1996.

David B. Rosenman

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

DBR/dr

Chuck Villanti

FEB 27 1996

292-0616-010

FEB 26 1996

Accounting #2

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

ALEX ROCHA,)

Respondent(s).)

By *[Signature]*
CONTINUANCE

) NOTICE OF HEARING ON ACCUSATION

) Case No. H-1979 SA

) L-9509088

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 West First Street, Los Angeles, California 90012 on **June 21, 1996 at 9:00 a.m.** or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: February 24, 1996

DEPARTMENT OF REAL ESTATE

By: *[Signature]*

SEAN CRAHAN
DRE, Counsel

cc: Alex Rocha ,
CV, OAH & SACTO

SACTO
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292-0616-010
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP 26 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
ALEX ROCHA,)
Respondent(s).)

By 

) NOTICE OF HEARING ON ACCUSATION
)
) Case No. H-1979 SA
)
) L- 9509088

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 West First Street, Los Angeles, California 90012 on **February 26, 1996 at 9:00 a.m.** or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: September 26, 1995

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN
DRE, Counsel

cc: Alex Rocha
CV, OAH & SACTO

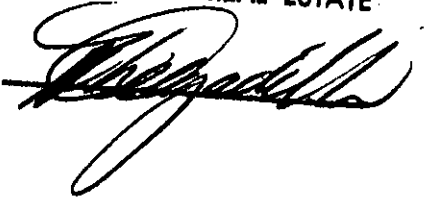
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Sean Crahan, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
MAY 2 1995
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H- 1979	SA
ALEX ROCHA)	A C C U S A T I O N	
Respondent.)		

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ALEX ROCHA, alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

At all times mentioned herein, ALEX ROCHA dba Centerpointe Financial and Villa Associates Realty (Respondent), was and still is licensed by the Department of Real Estate of the

1 State of California ("Department") as a restricted real estate
2 broker.

3 III

4 At all times mentioned herein, for or in expectation of
5 compensation, Respondent engaged in the business of, acted in the
6 capacity of, advertised or assumed to act as a real estate broker
7 in the State of California, within the meaning of Section 10131(d)
8 of the California Business and Professions Code (Code), wherein he
9 solicited for and negotiated loans secured by liens on real
10 property as the agent of others for or in expectation of a
11 compensation.

12 IV

13 On or about April 16, 1993, a representative of the
14 Department completed her audit of the books and records of
15 Respondent with respect to his activities requiring a real estate
16 license for the period from March 1, 1992 to March 31, 1993. That
17 audit determined that Respondent was operating in violation of
18 several Sections of the Code and Chapter 6, Title 10, California
19 Code of Regulations (Regulations) as set forth in the following
20 paragraphs.

21 V

22 ~~In conducting activities requiring a real estate license~~
23 Respondent received funds from borrowers for credit reports and
24 appraisal fees and funds from lenders to be disbursed through
25 escrow to borrowers (trust funds). The trust funds received by
26 Respondent for credit reports and appraisal fees were deposited by
27 him in an account at Frontier Bank known as the Centerpointe

1 Financial Trust Account- Account No. 001-328867 (Trust 1). Trust
2 funds received by Respondent to be disbursed through escrow were
3 deposited by him in an account at Guardian Bank known as Escrow
4 Partners as agent for Centrepoint Financial Escrow, Account No.
5 002-705052 (Trust 2). Neither Trust 1 nor Trust 2 was set up in
6 the name of Respondent as trustee in violation of Section 2830 of
7 the Regulations and Section 10145 of the Code.

8 VI

9 A columnar record of trust funds received and disbursed
10 was not maintained for Trust 1 including date of deposit and
11 disbursement, amount of deposit, check number, amount of
12 disbursement and a running balance of the credit and appraisal
13 fees collected by Respondent in the manner required by Section
14 2831 of the Regulations.

15 VII

16 Respondent failed to maintain separate records for each
17 borrower delivering credit and appraisal fees to him in violation
18 of Section 2831.1 of the Regulations.

19 VIII

20 Respondent failed to obtain a valid branch office
21 license for his escrow division located at 307 E. Chapman Avenue
22 in Orange, California.

23 IX

24 Finally, when negotiating conventional loans,
25 Respondents failed to deliver to various borrowers including, but
26 not limited to, Cronin, Corona and Kaplan, a statement in
27

1 writing, containing all the information required by Section 10241
2 of the Code in violation of Section 10240 of the Code.

3 X

4 The acts and omissions of Respondent, as set forth in
5 Paragraphs V through IX, are cause to suspend or revoke the
6 licenses and license rights of Respondent pursuant to Sections
7 10177(d) and 10177(k) of the Code.

8
9 WHEREFORE, Complainant prays that a hearing be conducted
10 on the allegations of this Accusation and that upon proof thereof,
11 a decision be rendered imposing disciplinary action against all
12 licenses and/or license rights of ALEX ROCHA under the Real Estate
13 Law and for such other and further relief as may be proper under
14 applicable provisions of law.

15 Dated at Santa Ana, California
16 this 2nd day of May , 1995.

17
18 THOMAS MC CRADY
19 Deputy Real Estate Commissioner
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