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OCT - 8 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

RAY ESPINOZA,

Respondent.

No. H-3063 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 1, 2005, a Decision was rendered herein revoking the real estate broker license of Respondent effective March 21, 2005, but granting Respondent the right to the issuance of a restricted real estate broker license on terms and conditions. A restricted real estate broker license was issued to Respondent on March 21, 2005, and Respondent has operated as a restricted licensee since that time.

On July 12, 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 and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

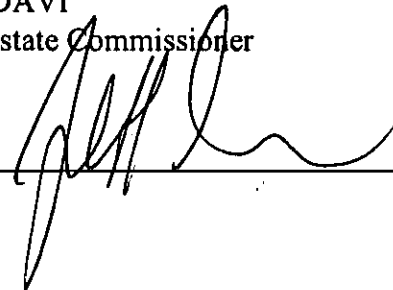
1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate broker license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 Order:

- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate broker license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall be effective immediately.

12 DATED: 9-29-09

13 JEFF DAVI
14 Real Estate Commissioner

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FILED
MAR 07 2005

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE

By Annal Mann

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-3063 SD

RAY ESPINOZA,)

STIPULATION AND
AGREEMENT

Respondent.)

It is hereby stipulated by and between RAY ESPINOZA (hereinafter "Respondent") and Respondent's professional advocate Charles Benninghoff, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 20, 2004 in this matter:

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

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 11505 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 will thereby waive his
10 right to require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that he will waive other rights
13 afforded to him in connection with the hearing such as the right
14 to present evidence in defense of the allegations in the
15 Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in Paragraphs I
18 through VI of the Accusation filed in this proceeding are true
19 and correct and the Real Estate Commissioner shall not be
20 required to provide further evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his decision in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate license and license rights
25 as set forth in the below "Order". In the event that the
26 Commissioner in his discretion does not adopt the Stipulation and
27 Agreement in Settlement, it shall be void and of no effect, and

1 Respondent shall retain the right to a hearing and proceeding on
2 the Accusation under all the provisions of the APA and shall not
3 be bound by any admission or waiver made herein.

4 6. The Order or any subsequent Order of the Real
5 Estate Commissioner made pursuant to this Stipulation and
6 Agreement in Settlement shall not constitute an estoppel, merger
7 or bar to any further administrative or civil proceedings by the
8 Department of Real Estate with respect to any matters which were
9 not specifically alleged to be causes for accusation in this
10 proceeding as admitted or withdrawn.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions,
13 and waivers and solely for the purpose of settlement of the
14 pending Accusation without hearing, it is stipulated and agreed
15 that the following Determination of Issues shall be made:

16 I

17 The acts and/or omissions of Respondent as described in
18 the Accusation, violate Sections 490 and 10177(b) of the Business
19 and Professions Code.

20 ORDER

21 I

22 All licenses and licensing rights of Respondent RAY
23 ESPINOZA under the Real Estate Law are revoked; provided,
24 however, a restricted real estate broker license shall be issued
25 to Respondent pursuant to Section 10156.5 of the Business and
26 Professions Code if Respondent makes application therefor and
27 pays to the Department of Real Estate the appropriate fee for the

1 restricted license within 90 days from the effective date of this

2 Decision: The restricted license issued to Respondent shall be

3 subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code and to the following limitations,
5 conditions and restrictions imposed under authority of Section
6 10156.6 of that Code:

7 1. The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real Estate
9 Commissioner in the event of Respondent's conviction or plea of
10 nolo contendere to a crime which is substantially related to
11 Respondent's fitness or capacity as a real estate licensee.

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

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for removal
20 of any of the conditions, limitations or restrictions of a
21 restricted license until two years has elapsed from the effective
22 date of this Decision.

23 4. Respondent shall regularly attend an alcohol abuse
24 treatment or recovery program, such as Alcoholics Anonymous or
25 other formal program, at least once a week during the term(s) of
26 the restricted license.

1 2/4/05
2 DATEDTruly Sughrue
3 Truly Sughrue, Counsel
4 DEPARTMENT OF REAL ESTATE

* * *

5 I have read the Stipulation and Waiver, have discussed
6 it with my counsel, and its terms are understood by me and are
7 agreeable and acceptable to me. I understand that I am waiving
8 rights given to me by the California Administrative Procedure Act
9 (including but not limited to Section 11506, 11508, 11509, and
10 11513 of the Government Code), and I willingly, intelligently,
11 and voluntarily waive those rights, including the right of a
12 hearing on the Statement of Issues at which I would have the
13 right to cross-examine witnesses against me and to present
14 evidence in defense and mitigation of the charges.

15 1-27-05
16 DATEDRay Espinoza
17 RAY ESPINOZA
18 Respondent

19 I have reviewed the Stipulation and Waiver as to form
20 and content and have advised my client accordingly.

21 1-27-05
22 DATEDCharles Benninghoff
23 CHARLES BENNINGHOFF
24 Professional Advocate for
25 Respondent
26
27

* * *

1
2 The foregoing Stipulation and Agreement for Settlement
3 is hereby adopted by the Real Estate Commissioner as Decision and
4 Order and shall become effective at 12 o'clock noon on
5 MARCH 21, 2005.

6 IT IS SO ORDERED Sc1, 2005.

7 JEFF DAVI
8 Real Estate Commissioner

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FILED
DEC 06 2004

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By Anne Shaw

In the Matter of the Accusation of

RAY ESPINOZA

} Case No. H-3063 SD

} OAH No. 2004110272

Respondent

CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1350 FRONT STREET, SUITE 6022, SAN DIEGO, CA 92101** on **WEDNESDAY, FEBRUARY 9, 2005**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 6, 2004

By Truly Sughrue / as
TRULY SUGHRUE, Counsel

TS/as

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NOV 02 2004

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By *Christine Shawver*

In the Matter of the Accusation of

RAY ESPINOZA

} Case No. H-3063 SD

} OAH No.

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1350 FRONT STREET, SUITE 6022, SAN DIEGO, CA 92101** on **TUESDAY, DECEMBER 28, 2004**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: NOVEMBER 1, 2004

By *Truly S. Ghrue* /s/
TRULY S. GHRUE, Counsel

TS/as

2/10/04

FILED
SEP 20 2004

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE

By Anne Shaw

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RAY ESPINOZA,)
13 Respondent.)

No. H- 3063 SD

ACCUSATION

14
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against RAY ESPINOZA (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

20 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

II

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) (Code) as a real estate broker.

III

On or about December 23, 2003, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 23152(B) of the California Vehicle Code (Driving with a 0.08 or Higher Blood Alcohol with a Prior), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

MATTERS IN AGGREVATION

IV

On or about June 15, 1999, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

On or about August 26, 1994, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 23152(B) of the California Vehicle Code (Driving with a 0.08 or Higher Blood Alcohol with a Prior), a crime involving moral turpitude which bears a substantial relationship under

1 Section 2910, Title 10, California Code of Regulations, to the
2 qualifications, functions, or duties of a real estate licensee.

3 VI

4 On or about December 19, 1990, in the Superior Court,
5 County of San Diego, Respondent was convicted of a violation of
6 Section 23152(A) of the California Vehicle Code (Driving Under
7 the Influence), a crime involving moral turpitude which bears a
8 substantial relationship under Section 2910, Title 10, California
9 Code of Regulations, to the qualifications, functions, or duties
10 of a real estate licensee.

11 VII

12 The facts alleged above constitute cause under Sections
13 490 and 10177(b) of the Code for suspension or revocation of all
14 licenses and license rights of Respondent under the Real Estate
15 Law.

16 WHEREFORE, Complainant prays that a hearing be
17 conducted on the allegations of this Accusation and that upon
18 proof thereof, a decision be rendered imposing disciplinary
19 action against all licenses and license rights of Respondent
20 under the Real Estate Law (Part 1 of Division 4 of the Business
21 and Professions Code), and for such other and further relief as
22 may be proper under the provisions of law.

23 
24 J. CHRIS GRAVES
25 Deputy Real Estate Commissioner

26 Dated at San Diego, California,
27 this 30th day of July, 2004