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**FILED**

APR 16 2019

DEPT. OF REAL ESTATE  
By Sybil Danner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of:	)	
	)	DRE No. H-03230 FR
RICKY WILFREDO PORTILLO,	)	
	)	
Respondent.	)	

**ORDER VACATING DECISION AND SETTING ASIDE DEFAULT**

On March 18, 2019, a Decision was rendered revoking the real estate broker license of Respondent, RICKY WILFREDO PORTILLO, effective April 16, 2019.

On April 8, 2019, good cause was presented to vacate the Decision of March 18, 2019, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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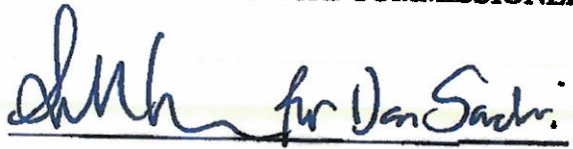
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NOW, THEREFORE, IT IS ORDERED that the Decision of March 18, 2019, is vacated and that the Matter of the Accusation filed on January 24, 2019, is remanded to the Office of Administrative Hearings.

This Order shall be effective immediately.

DATED: 9/15/19

DANIEL SANDRI  
ACTING REAL ESTATE COMMISSIONER

 for Dan Sandri

FILED

MAR 28 2019

DEPT. OF REAL ESTATE  
By Angela Danner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of:	)	DRE No. H-03230 FR
	)	
RICKY WILFREDO PORTILLO,	)	
	)	
Respondent(s).	)	

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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 March 6, 2019, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, RICKY WILFREDO PORTILLO (“Respondent”); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of conviction of crimes that are substantially related to the qualifications, functions or duties of a real estate licensee and Respondent’s failure to timely report said convictions.

Pursuant to Government Code Section 11521, the California Department of Real Estate (“the Department”) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department’s power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner’s Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On January 15, 2019, Brenda Smith made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on January 24, 2019.

2.

On March 6, 2019, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent 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 ("the Code") as a real estate salesperson. Respondent was first issued a real estate salesperson ("RES") license by the DRE on or about September 18, 2007. Respondent's license will expire on January 4, 2020.

4.

To date, the Department of Real Estate has incurred investigation costs totaling \$1,780.50.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on January 24, 2019, which is incorporated herein as part of this Decision.

#### DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, constitute cause under Sections 490 and 10177(b) (conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2.

Respondent's failure to report the conviction in Kern County Case No. BM912040A constitutes cause for discipline under Code Section 10186.2 of the license and license rights of Respondent under the Real Estate Law.

3.

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

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ORDER

All licenses and licensing rights of Respondent RICKY WILFREDO PORTILLO 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 **APR 16 2019**.

DATED: March 18, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

  
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1 Department of Real Estate  
2 320 West Fourth St, Ste 350  
3 Los Angeles, CA, 90013  
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**FILED**

MAR 06 2019

DEPT. OF REAL ESTATE

By R. Posed

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: ) DRE NO. *H-03230 FR*  
12 RICKY WILFREDO PORTILLO, ) DEFAULT ORDER  
13 Respondent. )  
14 \_\_\_\_\_ )

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

18 IT IS SO ORDERED MARCH 6, 2019.

19 DANIEL SANDRI  
20 ACTING REAL ESTATE COMMISSIONER

21  
22 By: Joe M. Carrillo  
23 JOSEPH M. CARRILLO  
24 Managing Deputy Commissioner IV  
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