

FILED

AUG 29 2012

DEPARTMENT OF REAL ESTATE
By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
CAPITAL EXPRESS MRE, INC.,) NO. H-4332 SD
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 July 19, 2012, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions, (2) affidavits, and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds pursuant to Section 10177(d) (Willful Violation of Real Estate Law) of the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code"), and Section 2742(c) (Engaging in Business of Real Estate Broker While Not In Good Standing With Secretary of State) of Title 10 of the California Code of Regulations.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On April 25, 2012, Veronica Kilpatrick 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's last known mailing address on file with the Department on April 30, 2012.

2

On July 19, 2012, 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 CAPITAL EXPRESS MRE, INC. ("Respondent") is presently licensed and/or has license rights under the Code as a corporate real estate broker.

4

On or about April 1, 2010, Respondent's designated broker officer was canceled, and at no time since, and up to and including the filing of the Accusation in this matter, has Respondent been duly licensed by the Department with any designated broker officer of record.

5

Effective August 2, 2010 and continuing through the present, the corporate powers, rights and privileges of Respondent were suspended by the California Franchise Tax Board pursuant to the provisions of the California Revenue and Taxation Code.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent CAPITAL EXPRESS MRE, INC. exists with reference to the acts and/or omissions set out in Paragraphs 4 and 5, above, pursuant to Business and Professions Code Section 10177(d) (Willful Violation of Real Estate Law), and Section 2742(c) (Engaging in Business of Real Estate Broker While Not In Good Standing With Secretary of State) of Title 10 of the California Code of Regulations.

2

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

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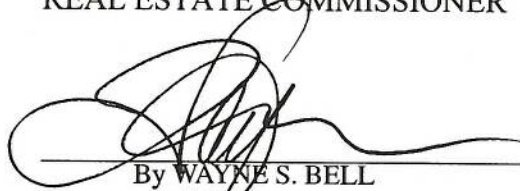
ORDER

All licenses and licensing rights of Respondent CAPITAL EXPRESS MRE, 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
SEP 19 2012

DATED: 8/27/2012

REAL ESTATE COMMISSIONER


By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

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JUL 19 2012

DEPARTMENT OF REAL ESTATE

By R. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of

12 CAPITAL EXPRESS MRE, INC.,

13 Respondent.

NO. H-4332 SD

DEFAULT ORDER

14
15 Respondent, CAPITAL EXPRESS MRE, INC., having failed to file a Notice of
16 Defense within the time required by Section 11506 of the Government Code, is now in default.
17 It is, therefore, ordered that a default be entered on the record in this matter as to Respondent
18 CAPITAL EXPRESS MRE, INC.

19 IT IS SO ORDERED July 19, 2012.

20 REAL ESTATE COMMISSIONER

21
22
23 By:

Joe M. Carrillo
JOE M. CARRILLO
Northern Regional Manager

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CRITERIA OF REHABILITATION (Revocation)

RE 574 (Rev. 10/03)

Your real estate license has been revoked or suspended by the Real Estate Commissioner based wholly or in part upon (1) a criminal conviction, or (2) an act involving dishonesty, fraud or deceit done with intent to substantially benefit yourself or another or with the intent or threat of substantially injuring another or property, or (3) an act which if done by a real estate licensee would be grounds for revocation of that license, or (4) upon the grounds that you knowingly made a false statement of fact required to be revealed in the application for such license. The reason(s) for the revocation or suspension is set forth in the attached Decision.

Set forth below is the Criteria of Rehabilitation. These criteria have been developed by the Department of Real Estate as guidelines to assist you to establish a rehabilitation program and in the preparation of your case should you petition in the future for reinstatement of your license or for a reduction of your penalty.

Not all of the factors listed in the Criteria will be applicable in the case of every revoked or suspended license nor will each applicable factor necessarily be given equal weight in evaluating a person's rehabilitation. Each person must decide which of these factors are applicable to his or her case and should then take appropriate steps toward rehabilitation to the end of satisfying the Real Estate Commissioner that it would not be against the public interest to grant reinstatement of the license or a reduction of the penalty.

2912. Criteria of Rehabilitation (Revocation or Suspension). The following criteria have been developed by the department pursuant to Section 482(b) of the Business and Professions Code for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee.

- (a) The passage of not less than two years from the most recent criminal conviction that is "substantially related" to the qualifications, functions or duties of a licensee of the department. (A longer period will be required if there is a history of criminal convictions or acts substantially related to the qualifications, functions or duties of a licensee of the department.)
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the licensee.
- (c) Expungement of the conviction or convictions which culminated in the administrative proceeding to take disciplinary action.
- (d) Expungement or discontinuance of a requirement of registration pursuant to provisions of Section 290 of the Penal Code.
- (e) Successful completion or early discharge from probation or parole.
- (f) Abstinence from the use of controlled substances or alcohol for not less than two years if the criminal conviction was attributable in part to the use of a controlled substance or alcohol.
- (g) Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the license.

- (h) Correction of business practices responsible in some degree for the crime or crimes of which the licensee was convicted.
- (i) New and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal conviction or convictions in question.
- (j) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction.
- (k) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
- (l) Significant and conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.
- (m) Change in attitude from that which existed at the time of the commission of the criminal acts in question as evidenced by any or all of the following:
 - (1) Testimony of applicant.
 - (2) Evidence from family members, friends or other persons familiar with the licensee's previous conduct and with subsequent attitudes and behavioral patterns.
 - (3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.
 - (4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.
 - (5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

Section 11522 of the Government Code of the State of California:

11522. Reinstatement of License or Reduction of Penalty. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty. (Added by Stats. 1945, Ch. 867; amended by Stats. 1985, Ch. 587.)