

FILED

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

JUL 08 2014

BUREAU OF REAL ESTATE

* * * *

By Choume

In the Matter of the Accusation of)	
) No. H-4564 SD
DANIEL ALVAREZ,)
)
)
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 June 9, 2014, 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.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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

I

On December 26, 2014, 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, to Respondent's last known mailing address on file with the Bureau on January 9, 2014.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on June 9, 2014.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. On or about July 21, 2012, Respondent's license expired. On or about August 14, 2013, Respondent's license was suspended indefinitely pursuant to payment by the Bureau on Recovery Account No. R-4985. Pursuant to Business and Professions Code ("Code") Section 10201 Respondent retains renewal rights. Pursuant to Section 10103 of the Code the Bureau retains jurisdiction.

On or about January 4, 2012, the final judgment of the Superior Court of the State of California, County of San Diego, Case No. 37-2010-9511-CU-FR-CTL, was entered against Respondent based on the ground of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required. Punitive damages in the amount of \$20,000 were awarded against Respondent.

The facts set forth above constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

On June 2, 2013, the Commissioner, issued a decision directing payment from the Recovery Account to Basilio D. and Angela M. The decision was based on a determination that this judgment was based on fraud in connection with acts for which respondent's real estate license was required.

The facts set forth above constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

DETERMINATION OF ISSUES

I

The evidence established that Respondent violated Code Section 10177.5 which is cause to suspend or revoke the license and license rights of Respondent.

II

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

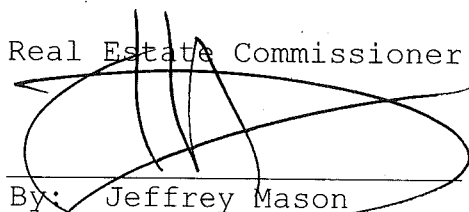
ORDER

The licenses and license rights of Respondent DANIEL ALVAREZ 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 JUL 29 2014

DATED: JUN 20 2014

Real Estate Commissioner


By: Jeffrey Mason
Chief Deputy Commissioner

FILED

1 Bureau of Real Estate
2 320 W. 4th Street, Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

JUN -9 2014

DEPARTMENT OF REAL ESTATE

BY: 

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA


9 * * *

10	In the Matter of the Accusation of)	
11		NO. H-04564 SD
12	DANIEL ALVAREZ,)	
13		<u>DEFAULT ORDER</u>
14	Respondent(s).)	

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

19 IT IS SO ORDERED JUNE 9, 2014.

20 WAYNE S. BELL
21 Real Estate Commissioner

22 
23 By: PHILLIP IHDE
24 Regional Manager

27