

FILED

JUL 20 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-5167 SAC
)	
ERNEST LIMJOCO CUNAMAY,)	<u>DECISION</u>
)	
Respondent.)	
_____)	

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 May 21, 2009, 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.

FINDINGS OF FACT

I

On February 18, 2009, Joe M. Carrillo made the Accusation in his 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 regular and certified mail, to Respondent's last known mailing address on file with the Department on February 25, 2009.

On May 21, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

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 (hereinafter "Code") as a real estate broker.

II

On or about September 21, 2006, Respondent notified the California Department of Real Estate (hereinafter "the Department") that both his main office address and mailing address were 4775 Mangels Blvd., Fairfield, CA 94534. At no time has the Department received notice from or on behalf of Respondent that his main office and mailing address has changed from 4775 Mangels Blvd., Fairfield, CA 94534.

IV

On or about February 4, 2009, a Deputy Real Estate Commissioner from the Department's Sacramento office drove to 4775 Mangels Blvd., Fairfield, CA 94534, and found an unpopulated office with no furniture.

DETERMINATION OF ISSUES

I

The acts and/or omissions of Respondent described above are grounds for the revocation or suspension of all Respondent's licenses and license rights under Section 10162 of the Code in conjunction with Section 2715 of Chapter 6, Title 10, California Code of Regulations and Sections 10165 and 10177(d) of the Code.

II

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

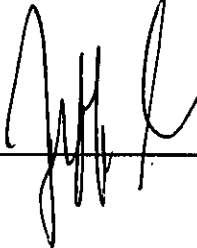
ORDER

All licenses and licensing rights of Respondent ERNEST LIMJOCO CUNAMAY, 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 AUG 10 2009

DATED: _____

6-17-09
JEFF DAVI
Real Estate Commissioner



FILED

FEB 25 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

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6 -or- (916) 227-0792 (Direct)

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of
12 ERNEST LIMJOCO CUNAMAY,
13
14 Respondent.

) No. H- 5167 SAC
) ACCUSATION
)

15
16 The Complainant, Joe M. Carrillo, a Deputy Real Estate Commissioner of the
17 State of California for cause of Accusation against ERNEST LIMJOCO CUNAMAY
18 (hereinafter Respondent), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 Respondent is licensed and/or has license rights under the Real Estate Law,
23 Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a
24 real estate broker.

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On or about September 21, 2006, Respondent notified the California Department of Real Estate (hereinafter the "Department") that both his main office address and mailing address were 4775 Mangels Blvd., Fairfield, CA 94534.

4

On or about February 4, 2009, a Deputy Real Estate Commissioner from the Department's Sacramento office drove to 4775 Mangels Blvd., Fairfield, CA 94534, and found an unpopulated office with no furniture.

5

At no time from on or about November 25, 2008, to the filing of this Accusation has the Department received notice from Respondent, or any other responsible party, that his main office and mailing address has changed from 4775 Mangels Blvd., Fairfield, CA 94534.

6

The acts and/or omissions of Respondent described above are grounds for the revocation or suspension of all Respondent's licenses under Section 10177(d) of the Code in conjunction with Section 10162 of the Code and Section 2715, Title 10, California Code of Regulations.

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


JOE M. CARILLO
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 18 day of February, 2009.