

FILED

JUN - 8 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

PETER LANGE BERGHUIS,

Respondent.

H-5338 SAC

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 May 18, 2010, 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 of failing to maintain a current and accurate business address with the Commissioner and willful disregard or violation of the Real Estate Law.

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 January 24, 2010, Tricia D. Sommers 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 January 25, 2010.

On May 18, 2010, 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.

2

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

3

Respondent has abandoned his business office at 4206 Power Inn Road, Sacramento, California, and has failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for his real estate brokerage activities.

DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists pursuant to Business and Professions Code Section 10177(d) (Willful Disregard or Violation of Real Estate Law or Rules/Regulations of Commissioner) in conjunction with Section 10162 (Maintenance of Definite Place of Business) of the Code.

2

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

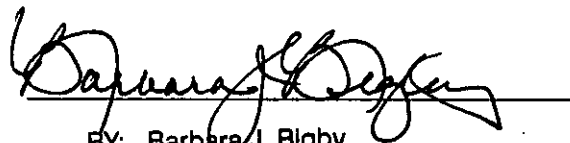
ORDER

All licenses and licensing rights of Respondent PETER LANGE BERGHUIS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

JUN 22 2010 This Decision shall become effective at 12 o'clock noon on _____

DATED: 6/3/10

JEFF DAVI
Real Estate Commissioner


BY: Barbara J. Bigby
Chief Deputy Commissioner

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

4 Telephone: (916) 227-0789

FILED

MAY 18 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)

12 PETER LANGE BERGHUIS,)

13 Respondent.)

H-5338 SAC

DEFAULT ORDER

14
15 Respondent, PETER LANGE BERGHUIS, 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.

18 IT IS SO ORDERED May 18, 2010.

19 JEFF DAVI

20 Real Estate Commissioner

21
22 By:

Charles W. Koenig
23 CHARLES W. KOENIG
24 Northern Regional Manager
25
26
27

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
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FILED

JAN 25 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

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

11 In the Matter of the Accusation of) No. H-5338 SAC
12)
13 PETER LANGE BERGHUIS,) ACCUSATION
14)
Respondent.)

15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California for cause of Accusation against PETER LANGE BERGHUIS
17 (hereafter "Respondent"), is informed and alleges as follows:

18 1

19 The Complainant makes this Accusation in her official capacity.

20 2

21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code")
23 as a real estate broker, License No. 01303994.

24 3

25 The main office and mailing address listed for Respondent with the California
26 Department of Real Estate (hereafter "the Department") is 4206 Power Inn Road, Sacramento,
27 California 95826.

On or about August 10, 2009, a Deputy Real Estate Commissioner from the Department's Sacramento office visited the current main office and mailing address of record for Respondent for the purpose of determining if it was Respondent's actual place of business. The door to the 4206 Power Inn Road location was locked and the office appeared to be vacant, containing no visible furniture.

On or about September 10, 2009, a Deputy Real Estate Commissioner from the Department's Sacramento office sent a certified letter and a regular post letter to Respondent at 4206 Power Inn Road, Sacramento, California 95826, directing him to appear for an interview at the Department's Sacramento office on September 28, 2009. Respondent did not appear at or call to reschedule the interview. On or about September 23, 2009, the certified letter was returned to the Department with a notation that Respondent was no longer at the Power Inn Road address.

The Department has not received notice from Respondent, or any other responsible party, that the main office and mailing address for Respondent has changed from 4206 Power Inn Road, Sacramento, California 95826.

The acts and/or omissions of Respondent described above violate Section 10162 of the Code (maintaining definite place of business in California) and Section 2715, Title 10, California Code of Regulations (maintaining current and accurate address of business with Commissioner), and are grounds for the revocation or suspension of all Respondent's license and/or license rights under Section 10177(d) (willful disregard or violation of Real Estate Law) of the Code.

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

6
7 
8 TRICIA D. SOMMERS
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 24th day of January, 2010.