

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1015
4 Telephone: (213) 576-6982

FILED

SEP 20 2022

DEPT. OF REAL ESTATE
By [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-05356 SD
13 JOSUE GUADALUPE MERCADO,)
14 Respondent.) (B&P Code Section 10186.1)
15 _____)

16 ORDER SUSPENDING REAL ESTATE LICENSE

17 TO: JOSUE GUADALUPE MERCADO
18 California Rehabilitation Center
19 Inmate: Josue Guadalupe Mercado
20 CDCR #BS0149
21 Facility B, Dorm 2020, Bed 9-Low
22 P.O. Box 3535
23 Norco, CA 92860

24 On or about May 31, 2005, a real estate salesperson license was issued by the
25 Department of Real Estate ("Department") to Respondent JOSUE GUADALUPE MERCADO, a.k.a.
26 "Jose Guadalupe Mercado" ("Respondent"), subject to Respondent's compliance with the Real Estate
27 Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), and Title 10, Chapter 6, of
the California Code of Regulations ("Regulations"). On or about February 16, 2007, a real estate

1 broker license was issued by the Department to Respondent. On or about February 15, 2023,
2 Respondent's real estate broker license is set to expire, unless renewed.

3 On or about March 24, 2022, in the Superior Court of California, County of Imperial,
4 Case No. JCF004227, Respondent was convicted, by a jury, for violating Penal Code section
5 424(a)(5) (public money misappropriation: willful refusal or failure to disburse, on demand, any
6 public money in his control in response to a draft, order, or warrant), section 424(a)(6) (public money
7 misappropriation: willful failure to transfer any public money when required by law), both felonies,
8 and Penal Code section 166(a)(4) (willful and unlawful contempt of court by willful disobedience of
9 a family court order to withhold support payments), a misdemeanor. The court sentenced the
10 Respondent to serve two (2) years in state prison. The court also ordered Respondent to pay fines and
11 fees.

12 On or about April 4, 2022, in the Court of Appeal of the State of California, Fourth
13 Appellate District, Case No. D080238, Respondent filed a Notice of Appeal. On or about May 25,
14 2022, a Record on Appeal was filed. Said appeal is pending, as to date.

15 Respondent is presently incarcerated, having been sentenced to serve time in federal
16 prison for a term of two (2) years. The Commissioner has determined that Respondent has been
17 incarcerated after and as a result of a felony conviction. Pursuant to Code section 10186.1,
18 Respondent's real estate broker license shall be suspended automatically.

19 NOW, THEREFORE, IT IS ORDERED under authority of Code section 10186.1
20 that the real estate broker license heretofore issued to Respondent and the exercise of any privileges
21 thereunder is hereby suspended pending final determination made after a hearing (see "Hearing
22 Rights" set forth below).

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1 IT IS FURTHER ORDERED that all license certificates and identification cards
2 issued by the Department which are in the possession of Respondent be immediately surrendered by
3 personal delivery or by mailing in the enclosed, self-addressed envelope to:

4 Department of Real Estate
5 Attn: Flag Section
6 P. O. Box 137013
Sacramento, CA 95813-7013

7 HEARING RIGHTS: Pursuant to the provisions of Code section 10186.1, you have
8 the right to a hearing to contest the Commissioner's determination that you are in violation of
9 Sections 490 and 10177(b) of the Code. If you desire a hearing, you must submit a written request.
10 The request may be in any form, as long as it is in writing and indicates that you want a hearing.
11 Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the
12 Department Legal Section, Attn: Kathy Yi, at 320 W. 4th St., Ste. 350, Los Angeles, California,
13 within 20 days after the date that this Order was mailed to or served on you, the Department will not
14 be obligated or required to provide you with a hearing.

15 This Order shall be effective immediately.

16 IT IS SO ORDERED: 9. 100.22.

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18 DOUGLAS R. McCAULEY
19 REAL ESTATE COMMISSIONER

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21 Douglas R. McCauley
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