

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
DEC 14 2010
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Bar Order Against:)
12) DRE NO. H-5462 SAC
13 OSCAR NUNEZ,)
14 Respondent,) BAR ORDER
) (B&P Code § 10087)

15 Pursuant to Section 10087(b) of the California Business and Professions Code
16 (hereinafter "the Code"), you, Respondent, were notified on September 3, 2010 of the intention
17 of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a Bar Order
18 pursuant to Section 10087(a) of the Code.

19 Pursuant to the authority granted by Section 10087 of the Code, and after review
20 and consideration of the following facts, the Commissioner makes the following:

21 FINDINGS OF FACT

22 1. On or about November 6, 2009, in the in the Superior Court of the State of
23 California, County of Santa Clara, Case Number CC780524, Respondent was convicted of
24 violating Section 532a(1) of the California Penal Code (filing a false financial statement), a
25 misdemeanor which bears a substantial relationship Section 2910, Title 10, California Code of
26 Regulations to the qualifications, functions, or duties of a real estate licensee and constituted
27 grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all

1 licenses and license rights of Respondent under the Real Estate Law. The conviction concerns a
2 scheme to defraud home mortgage lenders by submitting false and fraudulent loan applications
3 and supporting documentation in order to obtain the funding of mortgages.

4 2. On or about May 13, 2010, the Department of Real Estate (herein
5 "Department") filed its Accusation, in Department Case Number H-5387 SAC, seeking
6 discipline against the real estate salesperson license issued to OSCAR NUNEZ, for the
7 conviction identified above in Paragraph 1.

8 3. On or about October 12, 2010, Respondent petitioned the Commissioner
9 to voluntarily surrender his real estate salesperson license and to voluntarily accept the Bar
10 Order.

11 CONCLUSIONS OF LAW

12 Based on the findings set forth above, the Commissioner has determined that
13 Respondent has been convicted of a crime involving an offense involving fraud or deceit.

14 ORDER

15 NOW, THEREFORE, IT IS ORDERED, pursuant to the authority of Section
16 10087 of the Code, that you, OSCAR NUNEZ, are hereby barred and prohibited for a period of
17 thirty-six (36) months from the effective date of this Bar Order, from engaging in any of the
18 following activities in the State of California:

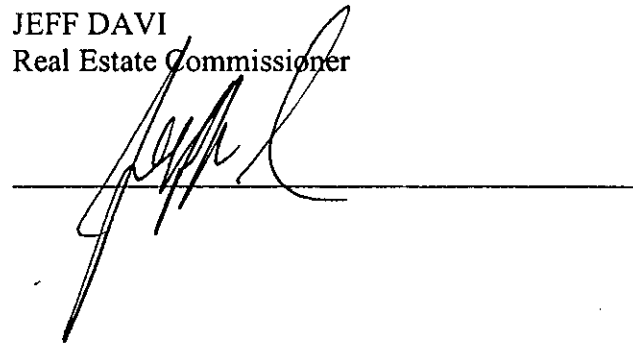
- 19 (A) Holding any position of employment, management, or control in a real
20 estate business;
- 21 (B) Participating in any business activity of a real estate salesperson or a real
22 estate broker;
- 23 (C) Engaging in any real estate related business activity on the premises where
24 a real estate salesperson or real estate broker is conducting business; and,
25 Participating in any real estate related business activity of a finance lender,
26 residential mortgage lender, bank, credit union, escrow company, title
27 company, or underwritten title company.

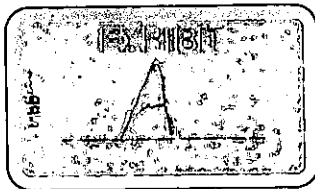
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THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

It is so ordered on 12/7/2010.

JEFF DAVI
Real Estate Commissioner





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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation and Bar Order of)	NO. H-5387 SAC
OSCAR NUNEZ,)	NO. H-5462 SAC
Respondent.)	

DECLARATION

My name is OSCAR NUNEZ, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Sections 11400 et seq., of the Government Code (herein "The Administrative Procedures Act"), I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Section 10100.2 of the Business and Professions Code (herein "the Code").

I understand that by voluntarily surrendering my license(s), I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by voluntarily surrendering my license(s), I agree to the following:

1 1. The filing of this Declaration shall be deemed as my petition for voluntary
2 surrender.

3 2. It shall also be deemed to be an understanding and agreement by me that I
4 waive all rights I have to require the Commissioner to prove the allegations contained in the
5 Accusation filed in this matter at a hearing held in accordance with the provisions of the
6 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive
7 other rights afforded to me in connection with the hearing such as the right to discovery, the
8 right to present evidence in defense of the allegations in the Accusation and the right to cross-
9 examine witnesses.

10 3. I further agree that upon acceptance by the Commissioner, as evidenced by
11 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this
12 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
13 filed in the Department Case No. H-5387 SAC, may be considered by the Department to be
14 true and correct for the purpose of deciding whether to grant relicensure or reinstatement
15 pursuant to Government Code Section 11522.

16 4. I freely and voluntarily surrender all my licenses and license rights under the
17 Real Estate Law.

18 Also in lieu of proceeding in this matter in accordance with the provisions of the
19 Administrative Procedure Act, I wish to voluntarily accept the Bar Order issued by the
20 Department of Real Estate pursuant to Section 10087 et seq. of the Code.

21 I further understand that by voluntarily accepting the Bar Order and thereby
22 waiving my right to a hearing on the Bar Order, I am prohibited for thirty-six (36) months from
23 the effective date of the Bar Order, from engaging in any of the following activities in the State
24 of California:

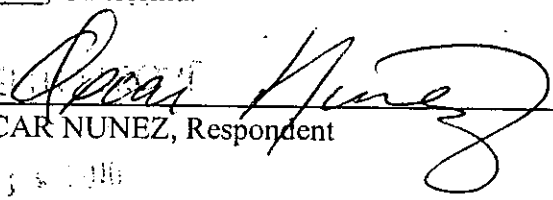
- 25 1. Holding any position of employment, management, or control in a real estate
26 business;

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2. Participating in any business activity of a real estate salesperson or a real estate broker;
3. Engaging in any real estate related activity on the premises where a real estate salesperson or real estate broker is conducting business; and
4. Participating in any real estate business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on Oct 12, 10, 2010, at SAN JOSE, California.
(City)


OSCAR NUNEZ, Respondent

RECEIVED

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

SEP - 3 2010

DEPARTMENT OF REAL ESTATE

H. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of:) NO. H-5462 SAC
12 OSCAR NUNEZ,) NOTICE OF INTENTION
13 Respondent.) TO ISSUE BAR ORDER
14) (B&P Code § 10087)

15 TO: OSCAR NUNEZ (herein "Respondent")
16 1101 S. Winchester Blvd., Suite 0-286
17 San Jose, CA 95128

18 Pursuant to Section 10087(c) of the Business and Professions Code (herein "the
19 Code"), RESPONDENT IS IMMEDIATELY PROHIBITED FROM ENGAGING IN ANY
20 BUSINESS ACTIVITY INVOLVING REAL ESTATE THAT IS SUBJECT TO REGULATION
21 UNDER THE REAL ESTATE LAW.

22 Pursuant to Section 10087(b) of the California Business and Professions Code
23 (herein "the Code"), Respondent is hereby notified of the intention of the California Real Estate
24 Commissioner (herein "Commissioner") to issue a Bar Order pursuant to Section 10087(a)(2) of
25 the Code for the allegations in the Accusation filed on May 13, 2010 by the Department of Real
26 Estate in Case No. H-5387 SAC, a copy of which is attached hereto as "Exhibit A".

27 ///

///

1 Please take notice that the Commissioner seeks to bar and prohibit Respondent for
2 a period of thirty-six (36) months from the effective date of Bar Order from engaging in any of
3 the following activities in the State of California:

4 (A) Holding any position of employment, management, or control in a real estate
5 business;

6 (B) Participating in any business activity of a real estate salesperson or a real
7 estate broker;

8 (C) Engaging in any real estate related business activity on the premises where a
9 real estate salesperson or real estate broker is conducting business; and,

10 (D) Participating in any real estate related business activity of a finance lender,
11 residential mortgage lender, bank credit union, escrow company, title company, or underwritten
12 title company.

13 NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

14 Pursuant to Section 10087 of the Code, you have the right to request a hearing
15 under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section
16 11400 of the Government Code). If you desire a hearing, you must submit a written request
17 within fifteen (15) days after the mailing or service of this “Notice of Intention to Issue Bar
18 Order.” The request may be in any form provided it is in writing, includes your current return
19 address, indicates that you want a hearing, is signed by you or on your behalf, and is mailed to the
20 Department of Real Estate, P. O. Box 187007, Sacramento, California 95818-7007, attention:
21 Legal Section; or, delivered personally to the offices of the Department of Real Estate, 2201
22 Broadway, Sacramento, California.

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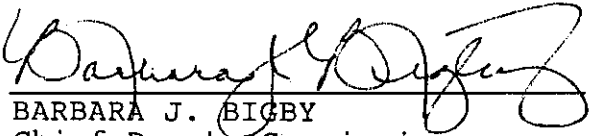
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If no hearing is requested within said fifteen (15) day time period, your failure to request a hearing shall constitute a waiver of the right to a hearing.

DATED: 9/3/2010

JEFF DAVI
Real Estate Commissioner

By: 
BARBARA J. BIGBY
Chief Deputy Commissioner

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Office: (916) 227-0789
6 Direct: (916) 227-0822

FILED

MAY 13 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11) No. H-5387 SAC
12 OSCAR NUNEZ,) ACCUSATION
13)
14 Respondent.)

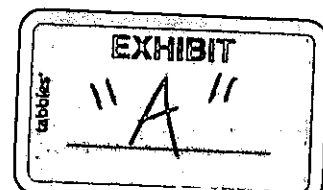
15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California, acting in her official capacity, for cause of Accusation against
17 OSCAR NUNEZ (herein "Respondent"), is informed and alleges as follows:

18 1.

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate
21 salesperson.

22 2.

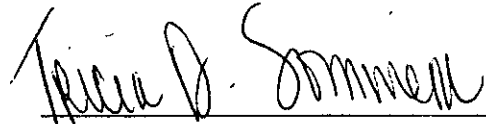
23 On or about November 6, 2009, in the Superior Court of the State of California,
24 County of Santa Clara, Case No. CC780524, Respondent was convicted of Penal Code §
25 532a(1), a misdemeanor which bears a substantial relationship under Section 2910, Title 10,
26 California Code of the Regulations, to the qualifications, functions or duties of a real estate
27 licensee.



3.

The facts alleged in Paragraphs 2 above constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code.

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, and for such other and further relief as may be proper under the provisions of law.



TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 10th day of May, 2010.