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FILED
AUG 17 2011

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

DEPARTMENT OF REAL ESTATE

By R. Jones

4 Telephone: (916) 227-0781
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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)

No. H-5525 SAC

13 RUBEN G. VENEGAS,)
14)

STIPULATION AND
AGREEMENT

Respondent.)

15 It is hereby stipulated by and between RUBEN G. VENEGAS (hereinafter
16 "Respondent"), represented by Joshua B. Clark, and the Complainant, acting by and through
17 Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of
18 settling and disposing the Accusation filed on December 21, 2010 in this matter:

19 1. All issues which were to be contested and all evidence which was to be
20 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
21 was to be held in accordance with the provisions of the Administrative Procedure Act
22 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the
provisions of this Stipulation and Agreement.

23 2. Respondent has received, read and understands the Statement to Respondent,
24 and the Discovery Provisions of the APA filed by the Department of Real Estate in this
25 proceeding.

26 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
27 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
2 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby
3 waive his right to require the Commissioner to prove the allegations in the Accusation at a
4 contested hearing held in accordance with the provisions of the APA, and that he will waive
5 other rights afforded to him in connection with the hearing such as the right to present evidence
in defense of the allegations in the Accusation and the right to cross-examine witnesses.

6 4. Respondent, pursuant to the limitations set forth below, hereby admits that
7 the factual allegations of the Accusation filed in this proceeding are true and correct and the Real
8 Estate Commissioner shall not be required to provide further evidence to prove such allegations.

9 5. It is understood by the parties that the Real Estate Commissioner may
10 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
11 and sanctions on the real estate licenses and license rights of Respondent as set forth in the below
12 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
13 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
14 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
any admission or waiver made herein.

15 6. The Order or any subsequent Order of the Real Estate Commissioner made
16 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
17 further administrative or civil proceedings by the Department of Real Estate with respect to any
18 matters which were not specifically alleged to be causes for accusation in this proceeding.

19 * * *

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations and waivers and solely for the purpose of
22 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
following determination of issues shall be made:

23 I

24 The acts and omissions of Respondent as described in the First Cause of Action
25 in the Accusation are grounds for the suspension or revocation of Respondent licenses and
26 license rights under Section 10130 of the Business and Professions Code (hereinafter "the
27 Code") in conjunction with Section 10177(d) of the Code.

II

The acts and omissions of Respondent as described in the Second Cause of Action in the Accusation are grounds for the suspension or revocation of Respondent licenses and license rights under Sections 10085, 10146, and 10145(c) of the Code and Section 2970 of Title 10, California Code of Regulations (hereinafter "Regulations") in conjunction with Section 10177(d) of the Code.

* * *

ORDER

I

- A. All real estate license(s) and license rights of Respondent RUBEN G. VENEGAS are revoked.
- B. A restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.6 of the Code if within ninety (90) days of the effective date of the Order, Respondent makes application therefore and pays to the Department the appropriate fee for said license.
- C. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following conditions and limitations imposed under authority of Section 10156.6 of said Code:
- 1) The restricted license issued to Respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee.
 - 2) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
 - 3) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions of the restricted license, until four (4) years have elapsed from the effective date of this Order.

1 D. Respondent shall submit with any application for license under an employing broker, or any
2 application for transfer to a new employing broker, a statement signed by the prospective
3 employing real estate broker on a form approved by the Department of Real Estate which
4 shall certify:

5 (a) That the employing broker has read the Decision of the Commissioner which
6 granted the right to a restricted license; and


7 (b) That the employing broker will exercise close supervision over the performance by
8 the restricted licensee relating to activities for which a real estate license is required.

9 E. Any restricted license issued to Respondent pursuant to this Decision shall be suspended
10 for a period of eighteen (18) months from the issuance of the restricted license.

11 F. Respondent shall, within nine (9) months from the effective date of this Order, present
12 evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most
13 recent issuance of an original or renewal real estate license, taken and successfully
14 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real
15 Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
16 the Commissioner may order the suspension of the restricted license until Respondent
17 presents such evidence. The Commissioner shall afford Respondent the opportunity for
18 hearing pursuant to the Administrative Procedure Act to present such evidence.


19 G. Respondent shall, within six (6) months from the effective date of this Decision, take and
20 pass the Professional Responsibility Examination administered by the Department
21 including the payment of the appropriate examination fee. If Respondent fails to satisfy
22 this condition, the Commissioner may order suspension of the restricted license until
23 Respondent passes the examination.

24 30 June -11
25 DATED

26 
27 TRULY SUGHRUE
Counsel for Complainant

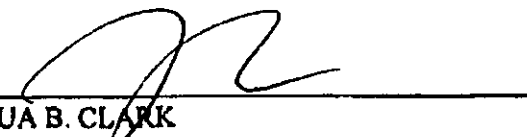
I have read the Stipulation and Agreement, have discussed it with my counsel, and
its terms are understood by me and are agreeable and acceptable to me. I understand that I am
waiving rights given to me by the California Administrative Procedure Act, and I willingly,

1 intelligently and voluntarily waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
3 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
4 the charges.

5 6/30/11 
6 DATED RUBEN G. VENEGAS
7 Respondent

8 ***

9 I have reviewed the Stipulation and Agreement as to form and content and have
10 advised my client accordingly.

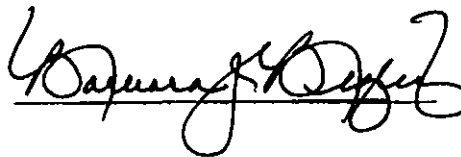
11 6/30/11 
12 DATED JOSHUA B. CLARK
13 Attorney for Respondents

14 ***

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
16 shall become effective at 12 o'clock noon on SEP 07, 2011.

17 IT IS SO ORDERED 8/5/11, 2011.

18 BARBARA BIGBY
19 Acting Real estate Commissioner

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PROFESSIONAL RESPONSIBILITY COURSE INFORMATION

Please read if the attached Decision requires you to take and pass the Professional Responsibility Course.

The attached Decision of the Real Estate Commissioner revokes your real estate license, but grants you the right to a restricted license upon certain terms and conditions. If you apply for and obtain a restricted license, one of those conditions requires you to take and pass a course in Professional Responsibility within a specified number of months from the effective date of the Decision.

You need not pass the course examination prior to applying for a restricted license; however, failure to pass the course examination within the specified period after obtaining the restricted license will result in the suspension of the license. The suspension will remain in effect until you have passed the examination.

The Professional Responsibility course and examination are administered exclusively by the Department of Real Estate. To obtain course material and an examination admittance ticket, complete the attached Professional Responsibility Course Examination Application (RE 283) and submit it with the \$25 examination fee.

Information about the dates, time, and location of the examination are included on RE 283.

There is no limit to the number of times you may take the exam; however, a new fee is required each time an additional examination is applied for. You may take the examination either before issuance of the restricted license, during the restricted licensure period, or if the license is subsequently suspended, after the restricted licensure period.

This course carries no continuing education (CE) credit and is in addition to any other terms and conditions of your restricted license.

NOTE: *Failure to take and pass the Professional Responsibility examination may result in a suspension of your restricted license.*


1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

FILED

DEC 21 2010

DEPARTMENT OF REAL ESTATE

Telephone: (916) 227-0789
(916) 227-0781 (Direct)



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
RUBEN G. VENEGAS,
Respondent.

No. H-5525 SAC
ACCUSATION

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RUBEN G. VENEGAS (hereinafter "Respondent"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code") as a restricted real estate salesperson. At no time mentioned was Respondent licensed by the Department as a real estate broker.

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1 3

2 At no times mentioned was 2nd Chance Negotiations Inc. and/or 2nd Chance
3 Legal Services, (hereinafter "2nd Chance") licensed by the Department as a real estate broker
4 corporation.

5 4

6 At no times mentioned was Green Tree Lending and/or New Leaf Modifications,
7 licensed by the Department as a real estate broker corporation.

8 5

9 At all times mentioned, Respondent engaged in the business of, acted in the
10 capacity of, advertised, or assumed to act as real estate brokers in the State of California, within
11 the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage
12 loan brokerage and/or loan modification business with the public wherein each of them solicited
13 lenders and borrowers for or negotiated loans or collected payments and/or performed services
14 for borrowers or lenders or note owners in connection with loans secured directly or collaterally
15 by liens on real property for or in expectation of compensation.

16 FIRST CAUSE OF ACTION

17 6

18 Each and every allegation in Paragraphs 1 through 5 is incorporated by this
19 reference as if fully set forth herein.

20 7

21 Beginning on or about January 6, 2009, Respondent, in the course of the real
22 estate activities described in Paragraph 5, on behalf of Green Tree Lending, New Leaf
23 Modifications, and/or 2nd Chance, solicited lenders and borrowers for or negotiated loans or
24 collected payments and/or performed services for borrowers or lenders or note owners in
25 connection with loans secured directly or collaterally by liens on real property for or in
26 expectation of compensation, including, but not limited to, the following:

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PROPERTY OWNER

PROPERTY LOCATION

Flor M. and Mario O.

3820 Saintsbury Drive, Sacramento

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By the commission of the acts alleged above, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(b) of the Code.

9

The facts alleged in the First Cause of Action are grounds for the suspension or revocation of the licenses and/or license rights of Respondent under Section 10130 of the Code in conjunction with 10177(d) of the Code.

SECOND CAUSE OF ACTION

10

Each and every allegation in Paragraphs 1 through 9 is incorporated by this reference as if fully set forth herein.

11

In connection with the operation and conduct of the real estate activities described in Paragraph 5, Respondent engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code, including, but not limited to, the following:

<u>PROPERTY OWNER</u>	<u>DATE</u>	<u>ADVANCE FEE</u>
Flor M. and Mario O	11/8/08	\$3,581.00

12

In connection with the collection and handling of said advance fee, Respondent failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section

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1 10085 of the Code and Section 2970 of Title 10, California Code of Regulations (hereinafter
2 "Regulations").

3 13

4 Beginning on or about November 2008, Respondent failed to immediately deliver
5 said trust funds, as described in Paragraph 11, to his broker, or at the broker's direction into the
6 hands of the broker's principal, into a neutral escrow depository, or into his broker's trust fund
7 account in violation of Section 10145(c) of the Code, but instead delivered said funds into the
8 hands of 2nd Chance.

9 14

10 The acts and/or omissions of Respondent described in Paragraphs 11 and 12,
11 constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085, and
12 10146 of the Code and Section 2970 of the Regulations, and are cause for the suspension or
13 revocation of Respondent's license and license rights.

14 15

15 The facts alleged in Paragraph 13 is grounds for the suspension or revocation of
16 the licenses and/or license rights of Respondent under Section 10177(d) of the Code in
17 conjunction with Section 10145(c) the Code.

18 PRIOR PROCEEDING

19 16

20 Effective December 21, 1998, in Case No. H-4836 SAC, before the Department of
21 Real Estate, the Real Estate Commissioner denied the real estate salesperson license of
22 Respondent, for violation of Sections 480(a), and 10177(b) of the Code, but granted the right to a
23 restricted real estate salesperson license, on terms, conditions, and restrictions set forth in the
24 Order.

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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 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) of Respondent, and for such other and further relief as may be proper under applicable provisions of law.



TRICIA SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 17th day of December, 2010