

FILED

JUL - 6 2001

DEPARTMENT OF REAL ESTATE

Lucie A. Zinn

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
GUILLERMO QUICHO MATEO, JR.,)	NO. H-7936 SF
Respondent.)	OAH NO. N-2001040065
_____)	

DECISION

The Proposed Decision dated June 7, 2001, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on July 26, 2001.

IT IS SO ORDERED June 25, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

GUILLERMO QUICHO MATEO, JR.

Respondent

Case No. H-7936 SF
OAH No. N-2001040065

PROPOSED DECISION

This matter was heard before Robert R. Coffman, Administrative Law Judge, Office of Administrative Hearings, State of California, in Oakland, California, on May 21 and June 1, 2001.

The respondent, Quillermo Mateo, Jr., was present but was not otherwise represented.

James L. Beaver, Real Estate Counsel III, represented the complainant.

FACTUAL FINDINGS

1. Respondent is presently licensed under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code) as a real estate broker.

2. Les R. Bettencourt made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

3. On June 1, 2001, the parties hereto entered into a stipulation wherein the respondent waived his rights under the Administrative Procedure Act (APA), withdrew his Notice of Defense previously filed in this matter, admitted to the truth of the allegations contained in the Accusation, and agreed to the entry of the following disciplinary order. The stipulation further provides that if the Real Estate Commissioner does not render a Decision adopting the terms and conditions of the stipulation it shall have no force or effect, that any admissions or waivers by the respondent shall be null and void, and respondent shall have all the hearing rights accorded him under the APA. The following Findings, Legal Conclusions and Order are made pursuant to stipulation of the parties.

4. On or about July 29, 1999, in the Superior Court of the State of California, County of San Mateo, in Case No. 392344, a final judgment was entered against respondent based on

grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

LEGAL CONCLUSIONS

Cause was established for discipline under section 10177.5 of the Code.

ORDER

All licenses and licensing rights of respondent Guillermo Quicho Mateo Jr. under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 limitations, conditions and restrictions imposed under authority of Section 10156.6 of the 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 is substantially related to respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to respondent 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 for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.


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

5. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department

including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

6. Any license issued to respondent pursuant to this Decision shall be suspended upon issuance until respondent provides the Department with proof to the satisfaction of the Commissioner that respondent has paid the sum of \$58,320 to Donald R. Turner or to Michael F. Galligan, Attorney at Law, in trust for Donald R. Turner, toward satisfaction of the judgment set forth in Finding IV. If respondent has not satisfied the requirements of this condition within 4 years from the date of issuance of the restricted license respondent shall not be entitled to renew the restricted license.

Dated: June 7, 2006



Robert R. Coffman
Administrative Law Judge
Office of Administrative Hearings

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

Laurie A. Z...

In the Matter of the Accusation of

GUILLERMO QUICHO MATEO, JR.,

}

Case No. H-7936 SF

OAH No. N-2001040065

Respondent

CONTINUED

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612 on FRIDAY, JUNE 1, 2001, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MAY 23, 2001

DEPARTMENT OF REAL ESTATE
By *James L. Beaver*
JAMES L. BEAVER Counsel

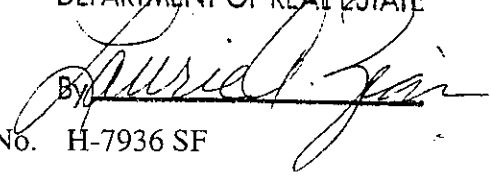
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR - 9 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

GUILLERMO QUICHO MATEO, JR.,

By 

Case No. H-7936 SF

OAH No. N-2001040065

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612 on MONDAY, MAY 21, 2001, at the hour of 9:00 AM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

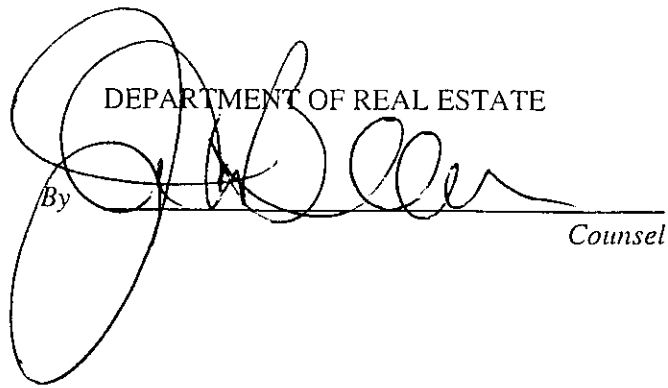
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: APRIL 9, 2001

DEPARTMENT OF REAL ESTATE

By



Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 DEPARTMENT OF REAL ESTATE
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 (916) 227-0788 (Direct)

FILED

MAR 21 2001

DEPARTMENT OF REAL ESTATE

By *Lauriel A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No.: H-7936 SF
12)
12 GUILLERMO QUICHO MATEO, JR.,) ACCUSATION
13)
13 Respondent.)
14)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against GUILLERMO QUICHO MATEO, JR. (hereinafter
18 "Respondent") is informed and alleges as follows:

19 I

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

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation in his official capacity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27


III

On or about July 29, 1999, in the Superior Court of the State of California, County of San Mateo, in Case No. 392344, a final judgment was entered against Respondent based on grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

IV

The facts set forth in Paragraph III, above, constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 8th day of March, 2001.