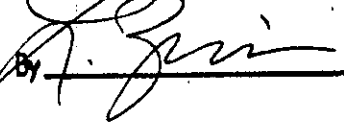


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FILED

JUL 29 2010

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

RAUL PATRICK ALCARAZ,
Respondent.

No. H-9575 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 15, 2006, in Case No. H-9575 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective September 11, 2006, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 3, 2006, and Respondent has operated as a restricted licensee since that time.

On November 12, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

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1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson
2 license and that it would not be against the public interest to issue said license to Respondent.

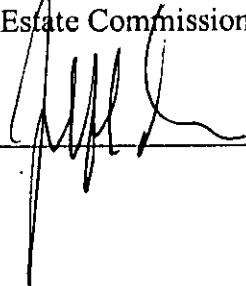
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 7-14-2010

14 JEFF DAVI
15 Real Estate Commissioner

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ORIGINAL

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

FILED
AUG 22 2006

DEPARTMENT OF REAL ESTATE

By S. Coy

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 RAUL PATRICK ALCARAZ,)
14 Respondent.)

No. H-9575 SF

STIPULATION AND AGREEMENT

15
16 It is hereby stipulated by and between Respondent
17 RAUL PATRICK ALCARAZ, acting in pro per, and the Complainant,
18 acting by and through Michael B. Rich, Counsel for the
19 Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on April 20,
21 2006, in this matter ("the Accusation"):

22 1. All issues which were to be contested and
23 all evidence which was to be presented by Complainant and
24 Respondent at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the
26 Administrative Procedure Act (APA), shall instead and in place
27

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

3 2. Respondent has received, read and
4 understands the Statement to Respondent, the Discovery
5 Provisions of the APA and the Accusation filed by the Department
6 of Real Estate in this proceeding.

7 3. On April 26, 2006, Respondent filed a Notice
8 of Defense pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondent will thereby waive Respondent's right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to
17 Respondent in connection with the hearing such as the right to
18 present evidence in defense of the allegations in the Accusation
19 and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set
21 forth below, hereby admits that the factual allegations in the
22 Accusation pertaining to Respondent are true and correct and
23 stipulates and agrees that the Real Estate Commissioner shall
24 not be required to provide further evidence of such allegations.

25 5. It is understood by the parties that the
26 Real Estate Commissioner may adopt the Stipulation and Agreement
27 as his decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the "Order" below. In the event that the
3 Commissioner in his discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

8 6. This Stipulation and Agreement shall not
9 constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Department of Real
11 Estate with respect to any matters which were not specifically
12 alleged to be causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations,
15 admissions and waivers and solely for the purpose of settlement
16 of the pending Accusation without hearing, it is stipulated and
17 agreed that the following Determination of Issues shall be made:

18 I

19 The acts and omissions of Respondent RAUL PATRICK
20 ALCARAZ described in the Accusation are grounds for the
21 suspension or revocation of the licenses and license rights of
22 Respondent under the provisions of Sections 490 and 10177(b) of
23 the California Business and Professions Code.

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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 (2) years have elapsed from the effective date of this Decision.

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

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

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

5. Respondent shall, within nine months from the effective date of the 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

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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.

July 17, 2006
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Agreement 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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine

1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

3
4 718/06

5 DATED

6 
7 RAUL PATRICK ALCARAZ
8 Respondent

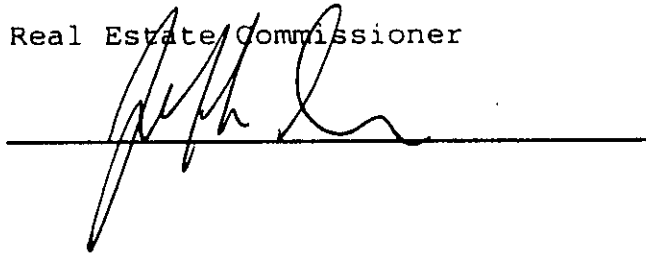
9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted by as my Decision in this matter as to Respondent RAUL
12 PATRICK ALCARAZ and shall become effective at 12 o'clock noon on
13 SEP 11, 2006.

14 IT IS SO ORDERED 8-15, 2006.

15 JEFF DAVI

16 Real Estate Commissioner

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1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789
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FILED
APR 20 2006

DEPARTMENT OF REAL ESTATE

By J. El

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RAUL PATRICK ALCARAZ,) NO. H-9575 SF
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, E.J. HABERER II, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against RAUL PATRICK ALCARAZ (hereinafter referred to as
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) (Code) as a real estate
23 salesperson.

24 II

25 The Complainant, E. J. HABERER II, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation in his official capacity.

1 III

2 On or about November 30, 2004, in the Superior Court,
3 County of Santa Clara, State of California, case number
4 CC471264, Respondent was convicted of violating Section 415 of
5 the California Penal Code (Unlawfully fighting or challenging to
6 fight in a public place, maliciously disturbs another by
7 unreasonable noise, offensive words in a public place), a crime
8 involving moral turpitude and/or a crime which bears a
9 substantial relationship under Section 2910, Title 10,
10 California Code of Regulations, to the qualifications, functions,
11 or duties of a real estate licensee.

12 IV

13 The facts alleged in Paragraph III, above, constitute
14 cause under Sections 490 and/or 10177(b) of the Code for
15 suspension or revocation of all licenses and license rights of
16 Respondent under the Real Estate Law.

17 WHEREFORE, Complainant prays that a hearing be
18 conducted on the allegations of this Accusation and that upon
19 proof thereof, a decision be rendered imposing disciplinary
20 action against all licenses and license rights of Respondent
21 under the Real Estate Law (Part 1 of Division 4 of the Business
22 and Professions Code), and for such other and further relief as
23 may be proper under the provisions of law.

24 
25 E. J. HABERER II
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 17th day of April, 2006.