

FILED

SEP 23 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	H-10904 SF
JUAN JOSE CERVANTES,)	
)	
Respondent.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 9, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On April 8, 2010, E. J. Haberer, II, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on April 15, 2010.

On September 9, 2010, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code") as a real estate salesperson.

3

On or about February 26, 2010, in the Superior Court of the State of California, County of Santa Clara, Case No. CC950566, Respondent was convicted of violating Section 484/487(c) of the California Penal Code (Grand Theft), a felony and a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Business and Professions Code Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee).

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent JUAN JOSE CERVANTES under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

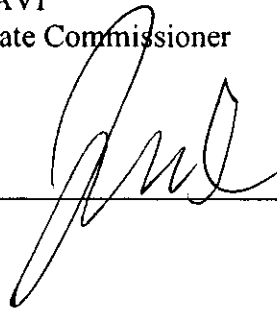
This Decision shall become effective at 12 o'clock noon on

OCT 14 2010

DATED: _____

9/22/2010

JEFF DAVI
Real Estate Commissioner



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

4 Telephone: (916) 227-0789

FILED

SEP - 9 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12)
13 JUAN JOSE CERVANTES,)
14 Respondent.)

H-10904 SF

DEFAULT ORDER

15
16 Respondent, JUAN JOSE CERVANTES, having failed to file a Notice of
17 Defense within the time required by Section 11506 of the Government Code, is now in default.

18 It is, therefore, ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED September 9, 2010.

20 JEFF DAVI
21 Real Estate Commissioner

22
23 By:

Charles W. Koenig
24 CHARLES W. KOENIG
25 Northern Regional Manager
26
27

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0792

FILED

APR 15 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) No. H-10904 SF
13 JUAN JOSE CERVANTES,)
14 Respondent.) ACCUSATION
15)

16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against JUAN JOSE CERVANTES, (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

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

25 3

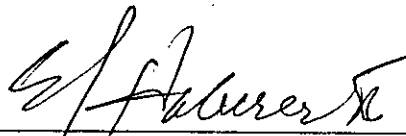
26 On or about February 26, 2010, in the Superior Court of the State of California,
27 County of Santa Clara, Case No. CC950566, Respondent was convicted of violating Section

1 484/487(c) of the California Penal Code (Grand Theft), a felony and a crime which bears a
2 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
3 qualifications, functions or duties of a real estate licensee.

4 4

5 The facts alleged in Paragraph 3, above, constitute a cause under Sections 490
6 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
7 Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or
8 revocation of all licenses and license rights of Respondent under the Real Estate Law.

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
10 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and license rights of Respondent under the Code, and for such other
12 and further relief as may be proper under the provisions of law.

13
14 
15 _____
16 E. J. HABERER, II
Deputy Real Estate Commissioner

17 Dated at Oakland, California,
18 this 8th day of April, 2010.