


FILED

May 22, 2014

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BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

To:

JOSEPH A. CARFAGNO

No. H-11703 SF

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

1.
PROCEDURAL HISTORY

Administrative Law Judge Regina J. Brown, State of California, Office of
Administrative Hearings, heard the following matter on April 7, 2014, in Oakland, California.

In the Matter of the Application of JOSEPH A. CARFAGNO

Agency Case No. H-11587 SF

OAH Case No. 2013120524

Stephanie K. Sese, Real Estate Counsel, represented Complainant Robin S.

Tanner, a Deputy Real Estate Commissioner of the State of California.

Respondent Joseph A. Carfagno represented himself.

Evidence was received and the matter was submitted on April 7, 2014.

Based on evidence presented at hearing, including testimony under oath of
JOSEPH A. CARFAGNO (hereinafter "CARFAGNO"), the Commissioner of the Bureau of
Real Estate (hereinafter "Bureau") has investigated and determined that CARFAGNO has
engaged in, is engaging in, or is attempting to engage in acts or practices constituting violations

1 of the California Business and Professions Code (hereinafter "the Code"), including acting in the
2 capacity of, advertising, or assuming to act as a real estate salesperson and/or broker in the State
3 of California within the meaning of Code Sections 10130 and 10131. Furthermore, based on the
4 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
5 Law, and Desist and Refrain Order under the authority of Code Section 10086.

6 2.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has CARFAGNO been licensed by the Bureau in any
9 capacity.

10 2. CARFAGNO's testimony under oath and exhibits submitted at hearing indicate
11 CARFAGNO performed the following activities for or in expectation of compensation,
12 between about February 2012 to present and ongoing.

- 13 a. Presented and proposed the sale of real property to potential buyers and/or
14 investors;
15 b. Negotiated and/or assisted in the sale of real property to investors;
16 c. Provided opinions to real property developers as to the best use of real property;
17 d. Provided opinions as to the value of real property to land and/or home owners;
18 e. Provided opinions approximating the cost of real property to and/or on behalf of
19 one or more real estate licensees; and,
20 f. Negotiated on behalf of one or more real estate licensees the redevelopment and
21 sale of real property.

22 3.

23 CONCLUSIONS OF LAW

24 Based on the Findings of Fact contained in Paragraphs 1 through 2 (a-f), above,
25 CARFAGNO has engaged in the business of, acted in the capacity of, advertised as, or assumed
26 to act as a real estate broker or a real estate salesperson during a period of time when
27

CARFAGNO was not licensed by the Bureau in any capacity, in violation of Sections 10130 and 10131 of the Code.


4.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that JOSEPH A. CARFAGNO, whether doing business under his own name, or any other names, or any fictitious name, is HEREBY ORDERED TO DESIST AND REFRAIN from performing any acts within the State of California for which a real estate license is required unless and until JOSEPH A. CARFAGNO obtains an appropriate license issued by the Bureau.

DATED: MAY 21 2014

REAL ESTATE COMMISSIONER


By: Jeffrey Mason
Chief Deputy Commissioner

- NOTICE -

Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."