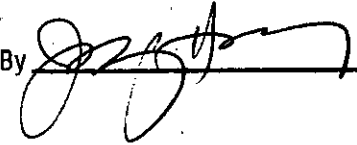


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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29452 LA
	)	L-2003010394
OCTAVIO RAMIREZ HERNANDEZ	)	
	)	
Respondent.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE BROKER LICENSE

On July 3, 2003, the First Amended Accusation was filed in this matter against Respondent OCTAVIO RAMIREZ HERNANDEZ.

On November 20, 2003, Respondent HERNANDEZ, petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated November 19, 2003 (attached as Exhibit "A")

1 hereto). Respondent's license certificate(s), pocket card(s) and  
2 any branch office license certificate shall be sent to the below  
3 listed address so that they reach the Department on or before the  
4 effective date of this Order:

5 Department of Real Estate  
6 Atten: Licensing Flag Section  
7 P.O. Box 187000  
8 Sacramento, CA 95818-7000

9 This Order shall become effective immediately.

10 DATED: November 21, 2003

11  
12 PAULA REDDISH ZINNEMANN  
13 Real Estate Commissioner

14 By: John R. Liberator  
15 JOHN R. LIBERATOR  
16 Chief Deputy Commissioner  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29452 LA
OCTAVIO RAMIREZ HERNANDEZ	)	
dba Homelife American Realty	)	
and American Realty,	)	
Respondent.	)	

DECLARATION

My name is OCTAVIO RAMIREZ HERNANDEZ and that I am currently licensed as a real estate broker and/or have license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedures Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, that it can only be reinstated in accordance with the

1 provisions of Section 11522 of the Government Code. I also  
2 understand that by so voluntarily surrendering my license, I  
3 agree to the following:

4           The filing of this Declaration shall be deemed as my  
5 petition for voluntary surrender. It shall also be deemed to be  
6 an understanding and agreement by me that, I waive all rights I  
7 have to require the Commissioner to prove the allegations  
8 contained in the Accusation filed in this matter at a hearing  
9 held in accordance with the provisions of the Administrative  
10 Procedures Act (Government Code Sections 11400 et seq.), and that  
11 I also waive other rights afforded to me in connection with the  
12 hearing such as the right to discovery, the right to present  
13 evidence in defense of the allegations in the Accusation and the  
14 right to cross examine witnesses. I further agree that upon  
15 acceptance by the Commissioner, as evidenced by an appropriate  
16 order, all affidavits and all relevant evidence obtained by the  
17 Department in this matter prior to the Commissioner's acceptance,  
18 and all allegations contained in the Accusation filed in the  
19 Department Case No. H-29452 LA, may be considered by the  
20 Department to be true and correct for the purpose of deciding  
21 whether or not to grant reinstatement of my license pursuant to  
22 Government Code Section 11522.

23 ////  
24 ////  
25 ////  
26 ////  
27 ////

1 I declare under penalty of perjury under the laws of  
 2 the State of California that the above is true and correct and  
 3 that I freely and voluntarily surrender my license and all  
 4 license rights attached thereto.

5 11-19-03  
 6 Date and Place

*Octavio R. Hernandez*  
 OCTAVIO RAMIREZ HERNANDEZ

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1 Estate Law Part 1 of Division 4 of the Business and Professions  
2 Code ("Code"). Respondent became licensed as a real estate  
3 broker on or about March 24, 2000. Prior to obtaining said  
4 broker license, Respondent was licensed as a real estate  
5 salesperson under the broker license of Paul Torrentez. The  
6 First and Second Causes of Action described below occurred prior  
7 to Respondent obtaining his broker license. The Third and Fourth  
8 Causes of Action described below, pertain to Respondent's  
9 activities while licensed as a real estate broker.

10  
11 FIRST CAUSE OF ACTION  
12 (ALVAREZ TRANSACTION)

13 2.

14 During November 1999, Respondent, while licensed as a  
15 real estate salesperson, represented to Claudio Alvarez  
16 ("Alvarez") that he was a licensed real estate broker.  
17 Respondent also represented to Alvarez that an unlicensed  
18 individual, Enrique Martinez, was a real estate salesperson  
19 licensed under Respondent's broker license..

20 3.

21  
22 Respondent, without the knowledge of his then employing  
23 broker, prepared a Purchase Agreement for the sale of real  
24 property owned by Alvarez and located at 2890 Artesia Boulevard,  
25 Unit 18, Long Beach, California. Respondent also represented  
26 Raymond Gross ("Gross"), the individual who attempted to purchase  
27 said property. Respondent misrepresented the credit-worthiness



1 of Gross to Alvarez.

2 4.

3 Prior to the close of escrow and without the knowledge  
4 or permission of Mr. Alvarez, Respondent and Mr. Martinez allowed  
5 Mr. Gross to move into the property described above as a tenant.  
6 Ultimately the property fell out of escrow and Mr. Alvarez had to  
7 evict Gross for non-payment of rent.

8 5.

9 Respondent's actions, as described above in paragraphs  
10 2, 3 and 4, are in violation of Section 10130 of the Code and  
11 constitute cause under Sections 10177(d) and 10177(j) of the Code  
12 for the suspension or revocation of all licenses and license  
13 rights of Respondent under the Real Estate law.

14  
15 SECOND CAUSE OF ACTION  
16 (LA TRANSACTION)

17 6.

18 On or about October 25, 1999, Respondent, without the  
19 knowledge or permission of his employing broker, entered into an  
20 Exclusive Right to Sell Agreement with Dung Quoc La ("La") for  
21 real property located at 2419 Belgrave Avenue, Huntington Park,  
22 California. Respondent represented to La that Enrique Martinez  
23 ("Martinez") would purchase said property by assuming La's loan  
24 on the property. Escrow was opened for the sale of the property  
25 on or about February 4, 2000. Respondent induced La to execute a  
26 grant claim deed to the property, transferring La's interest to  
27 Martinez, but failed to inform La that the existing loan was not

1 assumable. Martinez made approximately six (6) loan payments on  
2 the property and then ceased making payments. The property went  
3 into default and a Notice of Default was filed against La.  
4 Ultimately La lost the property in foreclosure.

5 7.

6 Respondent's actions, as described above in paragraph  
7 6, are in violation of Section 10130 of the Code and constitute  
8 cause under Sections 10177(d) and 10177(j) of the Code for the  
9 suspension or revocation of all licenses and license rights of  
10 Respondent under the Real Estate law.

11 THIRD CAUSE OF ACTION  
12 (AUDIT VIOLATIONS-AUDIT NO. LA000291)

13 8.

14 At all times material to the within audit findings,  
15 Respondent engaged in the business of, acted in the capacity of,  
16 advertised or assumed to act as a real estate broker in the State  
17 of California, within the meaning of Code Section 10131(a), for  
18 another or others, for or in expectation of compensation. Said  
19 activities included the selling or offering to sell, buying or  
20 offering to buy, soliciting prospective sellers or purchasers of,  
21 soliciting or obtaining listings of, negotiating the purchase,  
22 sale or exchange of real property or business opportunities.

23 9.

24 At all times material herein, in connection with the  
25 activities described in paragraph 8 above, Respondent accepted or  
26 received funds, including funds in trust ("trust funds") from or  
27 on behalf of actual or prospective parties to transactions

1 handled by Respondent and thereafter made deposit and/or  
2 disbursement of such funds.

3 10.

4 On or about March 8, 2001, the Department completed an  
5 examination of Respondent's books and records, covering a period  
6 from approximately March 24, 2000 to November 30, 2000 and  
7 pertaining to the real estate and funds handling activities  
8 described in paragraphs 8 and 9 above, as more specifically set  
9 forth in Audit Report No. LA 000291, and the records and exhibits  
10 attached to said audit.

11 11.

12 In the course of the activities described in paragraphs  
13 8 and 9 above, and during the examination period described above  
14 in paragraph 10, Respondent acted in violation of the Code and of  
15 Title 10, Chapter 6, California Code of Regulations  
16 ("Regulations") as follows:

17 (a) Respondent failed to maintain, in chronological  
18 order, the columnar record of trust funds received, in violation  
19 of Regulation 2831;

20 (b) Respondent failed to maintain Broker-Salesperson  
21 Relationship Agreements, in violation of Regulation 2726.

22 12.

23 The conduct, acts and/or omissions of Respondent, as  
24 described in paragraph 11 above, violated the Code and  
25 Regulations. The foregoing violations constitute cause for  
26 suspension or revocation of Respondent's real estate license  
27 and/or licenses rights under the provisions of Code Sections

10177(d) and/or 10177(g).

13.

FOURTH CAUSE OF ACTION  
(AUDIT VIOLATIONS-AUDIT NO. LA020393)

At all times material to the within audit findings, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Code Section 10131(a), for another or others, for or in expectation of compensation. Said activities included the selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, negotiating the purchase, sale or exchange of real property or business opportunities.

14.

At all times material herein, in connection with the activities described in paragraph 13 above, Respondent accepted or received funds, including funds in trust ("trust funds") from or on behalf of actual or prospective parties to transactions handled by Respondent and thereafter made deposit and/or disbursement of such funds.

15.

On or about June 6, 2003, the Department completed an examination of Respondent's book and records, covering a period from approximately July 1, 2001 to March 31, 2003 and pertaining to the real estate and funds handling activities, described in paragraphs 13 and 14 above, as more specifically set forth in Audit Report No. LA 020393, and the records and exhibits attached

1 to said audit.

2 16.

3 In the course of the activities described in paragraphs  
4 13 and 14 above, and during the examination period described  
5 above in paragraph 15, Respondent acted in violation of the Code  
6 and of the Regulations as follows:

7 (a) Respondent failed to provide the auditor with  
8 escrow records and or trust account records in violation of  
9 Section 10148 of the Code and Regulation 2950(e), and as further  
10 described below at paragraph 18 regarding the issuance of a  
11 subpena for said records;

12 (b) Respondent made substantial misrepresentations in  
13 two escrow transactions conducted as a broker-escrow, the Fausto  
14 Vargas transaction and the Maria Vega transaction. In the Vargas  
15 transaction, the buyer's closing statement indicates an  
16 additional deposit of \$53,000 which, in fact Respondent never  
17 deposited into escrow. In the Vega transaction, the closing  
18 statement shows proceeds due to Vega (seller) in the amount of  
19 \$48,663.19. Respondent provided only \$20,000 to Vega. Both  
20 escrows were conducted in violation of Section 10176(a) of the  
21 Code.

22 (c) Respondent failed to transfer trust funds in the  
23 Vega escrow towards the purchase of real property that Vega was  
24 in escrow to buy in violation of Section 10145 and Regulation  
25 2950(g);

26 (d) Respondent failed to maintain the current  
27 salesperson licenses for four (4) of his employees in violation

1 of Section 10160 and Regulation 2753;

2 (e) Respondent failed to notify the Commissioner of  
3 the change in location of his principal place of business in  
4 violation of Regulation 2715;

5 (f) Respondent unlawfully compensated an individual  
6 not licensed to him for acts within the scope of Chapter 3 of the  
7 Real Estate Regulations in violation of Section 10137 of the  
8 Code.

9 17.

10 The conduct, acts and/or omission of Respondent, as  
11 described above in paragraph 16 above, violated the Code and  
12 Regulations. The foregoing violations constitute cause for  
13 suspension or revocation of Respondent's real estate license  
14 and/or license rights under the provisions of Code Sections  
15 10137, 10176(a), 10177(d) and/or 10177(g).

16 FIFTH CAUSE OF ACTION  
(FAILURE TO MAINTAIN AND PRODUCE RECORDS)

17 18.

18 On or about May 22, 2003, Department Auditor Dianna  
19 Bautista, personally served a subpoena duces tecum on Respondent  
20 May 30, 2003 commanding Respondent to produce records to the  
21 Department's enforcement section on or before June 16, 2003.  
22 Respondent failed to comply with said subpoena in violation of  
23 Section 10148 of the Code.

24 19.

25 Respondent's failure to comply with the aforementioned  
26 subpoena is cause for suspension or revocation of Respondent's  
27

1 real estate license and/or license rights under the provisions of  
2 Section 10177(d) of the Code.

3 WHEREFORE, Complainant prays that a hearing be conducted  
4 on the allegations of this Accusation and that upon proof  
5 thereof, a decision be rendered imposing disciplinary action  
6 against all licenses and/or license rights of OCTAVIO RAMIREZ  
7 HERNANDEZ under the Real Estate law and for such other and  
8 further relief as may be proper under applicable provisions of  
9 law.

10 Dated at Los Angeles, California  
11 this 3rd day of July, 2023.

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13 Deputy Real Estate Commissioner

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24 cc: Octavio Hernandez  
25 Maria Suarez  
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2 First and Second Causes of Action described below occurred prior  
3 to Respondent obtaining his broker license. The Third Cause of  
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6  
7 FIRST CAUSE OF ACTION  
8 (ALVAREZ TRANSACTION)

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22 Raymond Gross ("Gross"), the individual who attempted to purchase  
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24 of Gross to Alvarez.

25 4.

26 Prior to the close of escrow and without the knowledge  
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1 or permission of Mr. Alvarez, Respondent and Mr. Martinez allowed  
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3 Ultimately the property fell out of escrow and Mr. Alvarez had to  
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12 (LA TRANSACTION)

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7 Respondent under the Real Estate law.

8 THIRD CAUSE OF ACTION  
(AUDIT VIOLATIONS)

9 8.

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13 of California, within the meaning of Code Section 10131(a), for  
14 another or others, for or in expectation of compensation. Said  
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20 At all times material herein, in connection with the  
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24 handled by Respondent and thereafter made deposit and/or  
25 disbursement of such funds.

26 ////

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1                   On or about March 8, 2001, the Department completed an  
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7 attached to said audit.  
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9                   In the course of the activities described in paragraphs  
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20                   The conduct, acts and/or omissions of Respondent, as  
21 described in paragraph 11 above, violated the Code and  
22 Regulations. The foregoing violations constitute cause for  
23 suspension or revocation of Respondent's real estate license  
24 and/or licenses rights under the provisions of Code Sections  
25 10177(d) and/or 10177(g).  
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1 WHEREFORE, Complainant prays that a hearing be conducted  
2 on the allegations of this Accusation and that upon proof  
3 thereof, a decision be rendered imposing disciplinary action  
4 against all licenses and/or license rights of OCTAVIO RAMIREZ  
5 HERNANDEZ under the Real Estate law and for such other and  
6 further relief as may be proper under applicable provisions of  
7 law.

8 Dated at Los Angeles, California

9 this 10<sup>th</sup> day of April, 2002

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11 Deputy Real Estate Commissioner

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22 cc: Octavio Hernandez  
23 Maria Suarez  
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