

FILED

FEB 27 2010

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

A. Max

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 NUESTRA CASA MORTGAGE INC; and)
 ENRIQUE FIERRO individually and)
 formerly as designated officer)
 of Nuestra Casa Mortgage Inc.,)
)
 Respondents.)
)

NO. H-36128 LA

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 December 9, 2009 and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of violating the Real Estate Law.

FINDINGS OF FACT

1.

On July 13, 2009, Robin Trujillo made the Accusation in her 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 Respondents' last known mailing addresses on file with the Department on July 21, 2009. On July 22, 2009 "Bernice R." signed for receipt of the packet sent to

Enrique Fierro. On July 23, 2009, "Samantha Ayres" signed for receipt of the packet sent to Nuestra Casa Mortgage Inc. No response has been received to date.

On December 9, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

2.

Respondent Enrique Fierro ("Fierro") and Nuestra Casa Mortgage Inc. ("Nuestra Casa") presently have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as real estate brokers. On July 31, 2009, Respondents' broker licenses were suspended for failure to comply with the terms of a Stipulation and Agreement filed on September 24, 2007. Respondent Fierro was first licensed by the Department of Real Estate of the State of California as a broker on or about February 24, 1998. Respondent Nuestra Casa was first licensed by the Department of Real Estate of the State of California as a broker on or about August 14, 1997.

3.

On September 24, 2007, a Stipulation and Agreement was filed regarding Respondent in Case No. H-33693 LA. The Stipulation and Agreement became effective on October 15, 2007. Among the terms, conditions and restrictions, contained in the Stipulation and Agreement, was a requirement that Respondent repay the costs of an initial and subsequent audit to the Department of Real Estate, in accordance with Business and Professions Code Section 10148.

4.

The evidence established that Respondents failed to repay the audit costs, as agreed upon in the Stipulation and Agreement.

DETERMINATION OF ISSUES

1.

Respondents are in violation of Business and Professions Code Section 10148 and cause for disciplinary action against Respondents exists pursuant to Business and Professions Code Section 10177(d).

2.

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

ORDER

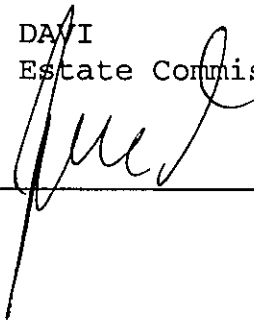
The licenses and license rights of Respondents NUESTRA CASA MORTGAGE INC and ENRIQUE FIERRO under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAR 18 2010.

DATED: _____

2-3-2010

JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is written in dark ink and is somewhat stylized.

1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, CA 90013

3 (213) 576-6982

FILED

DEC - 9 2009

DEPARTMENT OF REAL ESTATE
BY: Jenna B. Olson

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)

NO. H-36128 LA

12 NUESTRA CASA MORTGAGE INC; and)

13 ENRIQUE FIERRO individually and)

DEFAULT ORDER

14 formerly as designated officer)

15 of Nuestra Casa Mortgage Inc.,)

16 Respondents.)

17 Respondent NUESTRA CASA MORTGAGE INC, having
18 failed to file a Notice of Defense within the time required
19 by Section 11506 of the Government Code, is now in default.
20 It is, therefore, ordered that a default be entered on the
21 record in this matter.

22 IT IS SO ORDERED DEC - 9 2009

23 JEFF DAVI
Real Estate Commissioner

24
25
26 By: Dolores Weeks

27 DOLORES WEEKS
Regional Manager

1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, CA 90013

3 (213) 576-6982

FILED

DEC - 9 2009

DEPARTMENT OF REAL ESTATE
BY: Jana B. Stone

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 NUESTRA CASA MORTGAGE INC; and) NO. H-36128 LA
13 ENRIQUE FIERRO individually and) DEFAULT ORDER
formerly as designated officer)
14 of Nuestra Casa Mortgage Inc.,)
Respondents.)

16
17 Respondent ENRIQUE FIERRO, having failed to file a
18 Notice of Defense within the time required by Section 11506
19 of the Government Code, is now in default. It is, therefore,
20 ordered that a default be entered on the record in this
21 matter.

22 IT IS SO ORDERED DEC - 9 2009

23 JEFF DAVI
Real Estate Commissioner

24
25
26 By:

Dolores Weeks
DOLORES WEEKS
Regional Manager

27

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FILED

AUG - 6 2009

DEPARTMENT OF REAL ESTATE
BY: Laura B. Cron

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36128 LA
)	
ENRIQUE FIERRO)	
)	
Respondent.)	

ORDER SUSPENDING REAL ESTATE LICENSE

To: ENRIQUE FIERRO

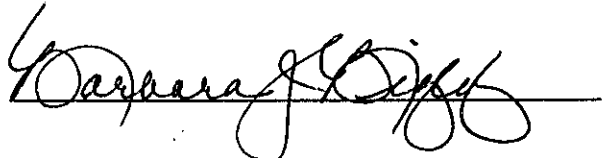
On September 24, 2007, A Stipulation and Agreement was filed, in Case No. H-33693 LA, effective October 15, 2007. Among the terms, conditions and restrictions, contained in the Stipulation and Agreement, was a requirement that Respondent repay the costs of an initial and subsequent audit to the Department of Real Estate. The Commissioner has determined that Respondent has failed to satisfy this condition. It was further stipulated that: "The Commissioner may suspend the license of Respondent pending a hearing held in accordance with Section 11500, et Seq., of the Government Code if payment is not timely made as provided for herein."

1 HEARING RIGHTS: You have the right to a hearing to
2 contest the Commissioner's determination that you are in
3 violation of the Order issued in this matter. If you desire a
4 hearing, you must submit a written request. The request may be in
5 any form, as long as it is in writing and indicates that you want
6 a hearing. Unless a written request for a hearing, signed by or
7 on behalf of you, is delivered or mailed to the Department at 320
8 West 4th Street, Suite 350, Los Angeles, California 90013-1105,
9 within 20 days after the date that this Order was mailed to or
10 served on you, the Department will not be obligated or required
11 to provide you with a hearing.

12 This Order shall be effective immediately.

13 DATED: 7-31-09

14
15
16
17 JEFF DAVI
18 Real Estate Commissioner

19 

20
21 BY: Barbara J. Bigby
22 Chief Deputy Commissioner

photo log

FILED

AUG - 6 2009

DEPARTMENT OF REAL ESTATE
BY *Laura B. [Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36128 LA
)	
NUESTRA CASA MORTGAGE INC,)	
)	
Respondent.)	
)	

ORDER SUSPENDING REAL ESTATE LICENSE

To: NUESTRA CASA MORTGAGE INC

On September 24, 2007, A Stipulation and Agreement was filed, in Case No. H-33693 LA, effective October 15, 2007. Among the terms, conditions and restrictions, contained in the Stipulation and Agreement, was a requirement that Respondent repay the costs of an initial and subsequent audit to the Department of Real Estate. The Commissioner has determined that Respondent has failed to satisfy this condition. It was further stipulated that: "The Commissioner may suspend the license of Respondent pending a hearing held in accordance with Section 11500, et Seq., of the Government Code if payment is not timely made as provided for herein."

1 NOW, THEREFORE, IT IS ORDERED that Respondent's real
2 estate broker license and the exercise of any privileges
3 thereunder is hereby suspended until such time as Respondent
4 enters into an agreement satisfactory to the Commissioner to
5 provide the payment, or pending final determination made after
6 hearing (see "Hearing Rights" set forth below).

7 IT IS FURTHER ORDERED that all license certificates and
8 identification cards issued by the Department of Real Estate
9 which are in the possession of Respondent be immediately
10 surrendered by personal delivery or by mailing in the enclosed
11 self-addressed envelope to:

12
13 DEPARTMENT OF REAL ESTATE
14 Attention: Flag Section
 Post Office Box 187000
 Sacramento, CA 95818-7000

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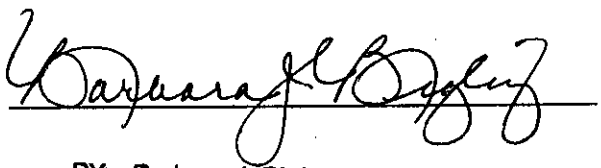
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HEARING RIGHTS: You have the right to a hearing to contest the Commissioner's determination that you are in violation of the Order issued in this matter. If you desire a hearing, you must submit a written request. The request may be in any form, as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105, within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: 7-31-09

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

*Sacto
Filed*

FILED

JUL 21 2009

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
BY: James B. Dean

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6910
7
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 NUESTRA CASA MORTGAGE INC; and)
15 ENRIQUE FIERRO individually and)
16 formerly as Designated officer of)
17 Nuestra Casa Mortgage Inc,)
18 Respondents.)

No. H-36128 LA

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against NUESTRA CASA MORTGAGE INC and ENRIQUE FIERRO,
21 individually and formerly as designated officer of Nuestra Casa
22 Mortgage Inc, alleges as follows:

23 1.

24 The Complainant, Robin Trujillo, acting in her official
25 capacity as a Deputy Real Estate Commissioner of the State of
26
27

1 California, makes this Accusation against NUESTRA CASA MORTGAGE
2 INC and ENRIQUE FIERRO.

3 2.

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to "Regulations"
6 are to Title 10, Chapter 6, California Code of Regulations.

7 LICENSE HISTORY

8 3.

9 A. At all times mentioned, NUESTRA CASA MORTGAGE INC
10 ("NUESTRA CASA") and ENRIQUE FIERRO ("FIERRO") were licensed or
11 had license rights issued by the Department of Real Estate
12 ("Department").

13 B. At all times mentioned, NUESTRA CASA was licensed
14 by the Department as a real estate corporation. NUESTRA CASA was
15 originally licensed on August 14, 1997.

16 C. At all times mentioned, FIERRO was licensed or had
17 license rights issued by the Department as a real estate broker.
18 From August 14, 2001 to August 13, 2005, FIERRO was the
19 designated officer and broker responsible, pursuant to Code
20 Section 10159.2. for supervising the activities requiring a real
21 estate license conducted on behalf NUESTRA CASA or by NUESTRA
22 CASA's officers, agents and employees. On February 24, 1998,
23 FIERRO was originally licensed as a real estate broker.

24 4.

25 On January 31, 2007, in Case No. H-33693 LA, an
26 Accusation was filed against NUESTRA CASA and FIERRO regarding
27 violations of the Code and Regulations, during the time period

1 beginning August 1, 2003 to April 30, 2005, as set forth in Audit
2 Reports LA 040311 and LA 040297. On September 24, 2007,
3 Stipulations and Agreements were filed for both NUESTRA CASA and
4 FIERRO regarding the above-referenced Accusation. Among the
5 terms and conditions accepted by both NUESTA CASA and FIERRO in
6 their Stipulations and Agreements were requirements that NUESTRA
7 CASA and FIERRO were co-jointly liable to pay the cost for the
8 audit which led to the disciplinary action. They were also
9 liable for the cost of a subsequent audit.

10 5.

11 As of the date of the filing of this Accusation,
12 neither NUESTRA CASA nor FIERRO have submitted payment to the
13 Department for the costs of their audits.

14 6.

15 The conduct of NUESTRA CASA MORTGAGE INC. and ENRIQUE
16 FIERRO, as alleged above, was in violation of Code Section 10148,
17 and subjects their real estate licenses and license rights to
18 suspension or revocation pursuant to Section 10177(d) of the
19 Code.

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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 the license and license rights of Respondents NUESTRA CASA MORTGAGE INC. and ENRIQUE FIERRO, individually and as designated officer of Nuestra Casa Mortgage Inc., 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 applicable provisions of law.

Dated at Los Angeles, California

this 13 day of July, 2009

Rob Trujillo
Deputy Real Estate Commissioner

cc: Nuestra Casa Mortgage Inc.
Enrique Fierro
Robin Trujillo
Sacto