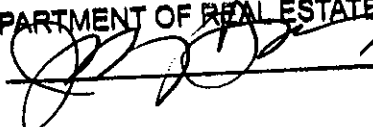


1 Department of Real Estate  
320 West Fourth Street, Ste. 350  
2 Los Angeles, California 90013

3 (213) 576-6982

**FILED**

AUG 19 2009

DEPARTMENT OF REAL ESTATE  
BY: 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 To:		No. H-36185 LA
12 RUDY RUBIO,	)	<u>ORDER TO DESIST</u>
	)	<u>AND REFRAIN</u>
13	)	(B&P Code Section 10086)
14 Respondent.	)	
	)	

15

16 The Commissioner ("Commissioner") of the California

17 Department of Real Estate ("Department") caused an investigation

18 to be made of the activities of RUDY RUBIO, and has determined

19 that he has engaged in or is engaging in acts or practices

20 constituting violations of the California Business and

21 Professions Code ("Code") and/or Title 10, California Code of

22 Regulations ("Regulations") including engaging in the business

23 of, acting in the capacity of, advertising, or assuming to act,

24 as a real estate broker in the State of California within the

25 meaning of Code Section 10131(a) (negotiating the purchase or

26 sale of real property). Based on the findings of that

27 investigation, as set forth below, the Commissioner hereby issues

1 the following Findings of Fact and Desist and Refrain Order  
2 pursuant to Code Section 10086.

3 FINDINGS OF FACT

4 1. At no time herein mentioned has RUDY RUBIO been  
5 licensed by the Department in any capacity.

6 2. At the time set forth below RUDY RUBIO engaged in  
7 the business of negotiating the purchase or sale of real  
8 property for compensation or in expectation of compensation.

9 3. In or around March, 2006, RUDY RUBIO negotiated a  
10 purchase agreement on behalf of Martin Peralta ("Peralta") for  
11 the purchase of the real property located at 1101 W. Olive  
12 Street, Fullerton, California 92833 (the "Property") for a total  
13 purchase price of \$665,000.

14 4. On or about August 9, 2006, RUDY RUBIO made a  
15 demand for payment in the amount of \$4,000 to the escrow opened  
16 to effectuate the purchase and sale of the Property at Real  
17 Estate Professionals, Escrow No. 6951187-REP3, demanding  
18 compensation for services rendered by RUDY RUBIO on behalf of  
19 Peralta in connection with the purchase and sale of the  
20 Property. Thereafter, on or about August 10, 2006, payment was  
21 made to RUDY RUBIO pursuant to his escrow demand.

22 CONCLUSION OF LAW

23  
24 5. Based on the information contained in Paragraphs  
25 3 and 4, above, RUDY RUBIO has performed and/or participated in  
26 the negotiation for the purchase or sale of real property, which  
27 activity, requires a license under the provision of Code Section

1 10131(a) during a period of time when RUDY RUBIO was not  
2 licensed by the Department in any capacity. Said conduct, acts  
3 and omissions are in violation of Code Section 10130.

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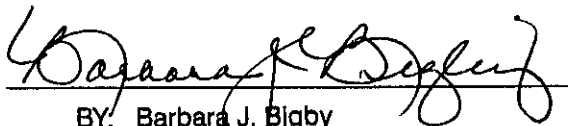
DESIST AND REFRAIN ORDER

1 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW  
2 stated herein, it is hereby ordered that RUDY RUBIO IS HEREBY  
3 ORDERED to immediately desist and refrain from performing any  
4 acts within the State of California for which a real estate  
5 broker license is required. In particular RUDY RUBIO is ordered  
6 to desist and refrain from:  
7

8 (i) selling or offering to sell, buying or offering to  
9 buy, soliciting prospective sellers or purchasers of, soliciting  
10 or obtaining listings of, or negotiating the purchase, sale or  
11 exchange of real property.

12  
13 DATED: 8/17, 2009.

14 JEFF DAVI  
15 Real Estate Commissioner

16 

17 BY: Barbara J. Bigby  
18 Chief Deputy Commissioner

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

cc: Rudy Rubio  
485 E. Foothill Boulevard, Suite B  
Upland, California 91786