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DEPARTMENT OF REAL ESPATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

NO. H-36275 LA

ROBERT HUGH DECKER,

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 December 9, 2009 and the findings of fact set forth herein 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 on grounds of convictions for crimes.

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

FINDINGS OF FACT

1.

On September 24, 2009, Maria Suarez 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 Respondent's last

two known mailing address on file with the Department on September 28, 2009. An individual named "Decker" signed for receipt of one of the packets. 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, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate broker. Respondent was first licensed by the Department of Real Estate of the State of California as a real estate salesperson on or about October 7, 1977.

3.

On October 14, 2008, Respondent was convicted of violating two counts of California Penal Code Section 115(a) (filing a false instrument), three counts of Penal Code Section 487(a) (grand theft of personal property), and three counts of Penal Code Section 530.5(a) (use of personal indentifying information of another). All of these crimes were felonies.

4.

The evidence established that the crimes of which Respondent was convicted, as set forth in paragraph 3 above, are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

2.

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

ORDER

The license and license rights of Respondent ROBERT HUGH DECKER under the provisions of Part I of Division 4
of the Business and Professions Code are revoked.
noon on
DATED: 22013
JEFF DAYI Real Estate/Commissioner

FILED

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

(213) 576-6982

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

BEFORE THE DEPARTMENT OF REAL ESTATE

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In the Matter of the Accusation of) ROBERT HUGH DECKER, DEFAULT ORDER Respondent.

Respondent ROBERT HUGH DECKER, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

> DEC - 9 2009 IT IS SO ORDERED

> > JEFF DAVI Real Estate Commissioner

NO. H-36275 LA

Regional Manager

FILED

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

Telephone: (213) 576-6982 (213) 576-6910 (Direct)

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

No. H-36275 LA In the Matter of the Accusation of

ROBERT HUGH DECKER, ACCUSATION

Respondent.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ROBERT HUGH DECKER, ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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

///

3.

2 On or about October 14, 2008, in the Superior Court of California, County of San Diego; in case no. SCD211179, 3 Respondent was convicted of violating two(2) counts of California Penal Code Section 115(a) (filing a false instrument), 5 three (3) counts of Penal Code Section 487(a) (grand theft of 6 personal property), and three (3) counts of Penal Code Section 7 530.5(a) (use of personal indentifying information of another). All of these crimes were felonies. Said crimes bear a 10 substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee. 12

4.

The crimes of which Respondent was convicted, as described in Paragraph 3 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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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 all the licenses and license rights of Respondent, ROBERT HUGH DECKER, 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

day of 🝾

2009.

Deputy Real Estate Commissioner

cc: ROBERT HUGH DECKER Maria Suarez

Sacto.