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**FILED**

JAN 27 2012

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
	) No. H-37065 LA
<u>RICHARD R. PERALTA CRUZADO and,</u> )	
<u>ESTEBAN J. TORRES,</u> )	
	)
Respondents. )	
_____ )	

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 , 2011 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.

FINDINGS OF FACT

1.

On February 4, 2011, 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, and by regular mail to RICHARD R. PERALTA CRUZADO's ("Respondent") last known mailing address on file with the Department on February 9, 2011. The mailings were returned to sender by the postal service no forwarding address.

On January 10, 2012, 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 presently 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 salesperson. On July 2, 2011, Respondent's license expired. Pursuant to Business and Professions Code Section 10201, Respondent retains renewal rights for two years. The Department of Real Estate holds jurisdiction over the lapsed license, pursuant to Business and Professions Code Section 10103. At the time of the transaction at issue, Respondent was licensed under the employ of Hartman Mortgage Services Inc.

3.

RHS Processing (hereinafter "RHS"), is not now and has never been, licensed by the Department in any capacity. On or about August 27, 2007, Respondent filed a fictitious business name statement for RHS with the Los Angeles County Recorder's Office.

4.

On or about February 29, 2008, Guillermo Mendez and Maria Mendez submitted a \$500 check to RHS as an advance fee for loan modification services.

#### DETERMINATION OF ISSUES

1.

The agreement described in Paragraph 4 above, constitutes an advance fee agreement within the meaning of Code Section 10026. Respondent failed to submit the advance fee agreement referred to in Paragraph 6, to the Commissioner ten days before using it, in violation of Code Section 10085 and Section 2970 of Title 10, California Code of Regulations ("Regulations").

2.

Under Code Section 10137, no salesperson shall be employed by, or accept compensation from any person other

than the broker under who he is at the time employed. At the time of the transaction described in paragraph 4 above, Respondent was employed by Hartman Mortgage Services Inc., a licensed real estate broker. Respondent was not entitled to receive compensation through RHS.

3.

The conduct, acts and/or omissions of Respondent, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent, pursuant to Code Sections 10085, 10137, 10177(d) and 10177(g).

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

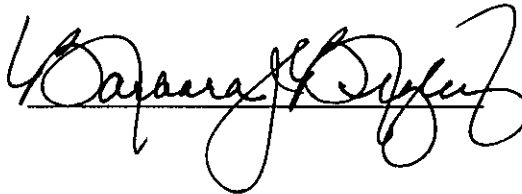
ORDER

The license and license rights of Respondent RICHARD R. PERALTA CRUZADO 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 FEB 16 2012.

DATED: 1/24/12

BARBARA J. BIGBY  
Acting Real Estate Commissioner



**FILED**

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

JAN 10 2012

3 (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: Barbara Bigby

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-37065 LA

12 )  
13 RICHARD R. PERALTA CRUZADO and )  
14 ESTEBAN J. TORRES, )

DEFAULT ORDER

15 Respondents. )

16  
17 Respondent RICHARD R. PERARLTA CURZADO, 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

*January 9, 2012*

23 BARBARA J. BIGBY  
Acting Real Estate Commissioner

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26 By:

*Dolores Weeks*  
DOLORES WEEKS  
Regional Manager

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**FILED**

1 Department of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, California 90013-1105

DEC 20 2011

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

10	In the Matter of the Accusation of	)	No. H-37065 LA
		)	L-2011040606
11		)	
12	<u>RICHARD R. PERALTA CRUZADO and</u>	)	<u>STIPULATION AND AGREEMENT</u>
	<u>ESTEBAN J. TORRES,</u>	)	
13	Respondents.	)	

14  
15 It is hereby stipulated by and between ESTEBAN J.  
16 TORRES, represented by Marisol Ocampo, and the Complainant,  
17 acting by and through James A. Demus, Counsel for the Department  
18 of Real Estate, as follows for the purpose of settling and  
19 disposing of the Accusation in this matter:

20 1. All issues which were to be contested and all  
21 evidence which was to be presented by Complainant and Respondent  
22 at a formal hearing on the Accusation, which hearing was to be  
23 held in accordance with the provisions of the Administrative  
24 Procedure Act (APA), shall instead and in place thereof be  
25 submitted solely on the basis of the provisions of this  
26 Stipulation and Agreement (Stipulation).

27

1           2. Respondent has received, read and understands the  
2 Statement to Respondent, the Discovery Provisions of the APA and  
3 the Accusation filed by the Department of Real Estate in this  
4 proceeding.

5           3. Respondent filed a Notice of Defense pursuant to  
6 Section 11506 of the Government Code for the purpose of  
7 requesting a hearing on the allegations in the Accusation.  
8 Respondent hereby freely and voluntarily withdraws said Notice of  
9 Defense. Respondent acknowledges that he understands that by  
10 withdrawing said Notice of Defense he thereby waives his right to  
11 require the Commissioner to prove the allegations in the  
12 Accusation at a contested hearing held in accordance with the  
13 provisions of the APA and that he will waive other rights  
14 afforded to him in connection with the hearing such as the right  
15 to present evidence in her defense and the right to cross-examine  
16 witnesses.

17           4. This Stipulation is based on the factual  
18 allegations contained in the Accusation. In the interest of  
19 expedience and economy, Respondent chooses not to contest these  
20 allegations, but to remain silent and understand that, as a  
21 result thereof, these factual allegations, without being admitted  
22 or denied, will serve as a prima facie basis for the disciplinary  
23 action stipulated to herein. The Real Estate Commissioner shall  
24 not be required to provide further evidence to prove said factual  
25 allegations.

26           5. This Stipulation is based on Respondent's decision  
27 not to contest the allegations set forth in the Accusation as a

1 result of the agreement negotiated between the parties. This  
2 Stipulation is expressly limited to this proceeding and any  
3 further proceeding initiated by or brought before the Department  
4 of Real Estate based upon the factual allegations in the  
5 Accusation and is made for the sole purpose of reaching an agreed  
6 disposition of this proceeding. The decision of Respondent not  
7 to contest the allegations contained in the "Order" herein below,  
8 is made solely for the purpose of effectuating this Stipulation.  
9 It is the intent and understanding of the parties that this  
10 Stipulation shall not be binding or admissible against Respondent  
11 in any actions against Respondent by third parties.

12           6. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation as her Decision in  
14 this matter thereby imposing the penalty and sanctions on  
15 Respondent's real estate license and license rights as set forth  
16 in the "Order" herein below. In the event that the Commissioner  
17 in her discretion does not adopt the Stipulation, it shall be  
18 void and of no effect, and Respondent shall retain the right to a  
19 hearing and proceeding on the Accusation under the provisions of  
20 the APA and shall not be bound by any admission or waiver made  
21 herein.

22           7. The Order or any subsequent Order of the Real  
23 Estate Commissioner made pursuant to this Stipulation shall not  
24 constitute an estoppel, merger or bar to any further  
25 administrative or civil proceedings by the Department of Real  
26 Estate with respect to any matters which were not specifically  
27 alleged to be causes for accusation in this proceeding.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations and solely for  
3 the purpose of settlement of the Accusation without a hearing, it  
4 is stipulated and agreed that the following determination of  
5 issues shall be made:

6 I

7 The conduct of ESTEBAN J. TORRES, as described in  
8 Paragraph 4, above, is a basis for discipline of Respondent's  
9 license and license rights pursuant to Sections 10085, 10137,  
10 10177(d) and 10177(g) of the Code.

11 ORDER

12 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE  
13 WRITTEN STIPULATION OF THE PARTIES:

14 I

15 Respondent ESTEBAN J. TORRES is publicly reprovod.

16 II

17 Respondent shall within six months from the effective  
18 date of this Decision, take and pass the Professional  
19 Responsibility Examination administered by the Department  
20 including the payment of the appropriate examination fee. If  
21 Respondent fails to satisfy this condition, the Commissioner may  
22 order suspension of Respondent's license until Respondent passes  
23 the examination.

24  
25 DATED: 11/17/11

James A. Demus  
26 JAMES A. DEMUS, Counsel for  
the Department of Real Estate  
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EXECUTION OF THE STIPULATION

I have read the Stipulation and discussed it with my counsel. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.


Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 11-17-2011

Esteban J. Torres  
ESTEBAN J. TORRES, Respondent

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DATED: 11/17/11

  
MARISOL OCAMPO  
Attorney for Respondent

\* \* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o' clock  
noon on \_\_\_\_\_.

IT IS SO ORDERED \_\_\_\_\_.

BARBARA J. BIGBY  
Acting Real Estate Commissioner

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DATED: \_\_\_\_\_

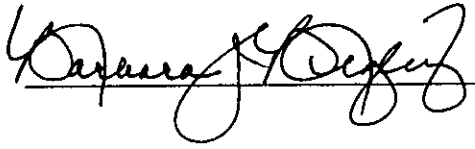
MARISOL OCAMPO  
Attorney for Respondent

\* \* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o' clock  
noon on JAN - 9 2012.

IT IS SO ORDERED 12/7/11.

BARBARA J. BIGBY  
Acting Real Estate Commissioner

  
\_\_\_\_\_

**FILED**

FEB - 9 2011

1 JAMES DEMUS, Counsel (SBN 225005)  
2 Department of Real Estate  
3 320 West Fourth St., #350  
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE  
BY: Laura B. Olson

4 (213) 576-6982  
5 (213) 576-6910 (direct)  
6  
7  
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

In the Matter of the Accusation of	)	
	)	No. H-37065 LA
RICHARD R. PERALTA CRUZADO and	)	
ESTEBAN J. TORRES,	)	<u>A C C U S A T I O N</u>
	)	
Respondents.	)	

16  
17 The Complainant, Maria Suarez, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of  
19 Accusation against RICHARD R. PERALTA CRUZADO and ESTEBAN J.  
20 TORRES, is informed and alleges as follows:

21 1.

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

25 2.

26 RICHARD R. PERALTA CRUZADO, (hereinafter "PERALTA")  
27 is presently licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Business and  
2 Professions Code, hereinafter "Code"), as a real estate  
3 salesperson. At the time of the transaction at issue, PERALTA  
4 was licensed under the employ of Hartman Mortgage Services Inc.

5 3.

6 ESTEBAN J. TORRES, (hereinafter "TORRES") is  
7 presently licensed and/or has license rights under the Real  
8 Estate Law as a real estate salesperson. At the time of the  
9 transaction at issue, TORRES was licensed under the employ of  
10 Hartman Mortgage Services Inc.

11 4.

12 RHS Processing (hereinafter "RHS"), is not now and  
13 has never been licensed by the Department in any capacity. On  
14 or about August 27, 2007, PERALTA filed a fictitious business  
15 name statement for RHS with the Los Angeles County Recorder's  
16 Office.

17 5.

18 PERALTA and TORRES engaged in the business of real  
19 estate brokers in the State of California within the meaning of  
20 Code Sections 10131(d) and 10131.2, including brokering  
21 mortgage loans and performing loan modification activities and  
22 claiming, demanding, charging, receiving, collecting or  
23 contracting for the collection of an advance fee, within the  
24 meaning of Code Section 10026, including, but not limited to,  
25 the following loan modification activity, with respect to a  
26 loan which was secured by a lien on real property.

27 ///

1 6.

2 Mendez Transaction

3 On or about February 29, 2009, Guillermo Mendez and  
4 Maria Mendez submitted a \$500 check to RHS as an advance fee  
5 for loan modification services. On February 29, 2008 and  
6 March 26, 2008, TORRES sent letters to Guillermo and Maria  
7 Mendez's lender, in which TORRES attempted to negotiate a loan  
8 modification on behalf of Guillermo and Maria Mendez.

9 7.

10 The agreement described in Paragraph 6 above,  
11 constitutes an advance fee agreement within the meaning of Code  
12 Section 10026. PERALTA and TORRES failed to submit the advance  
13 fee agreement referred to in Paragraph 6 to the Commissioner  
14 ten days before using it, in violation of Code Section 10085  
15 and Section 2970 of Title 10, California Code of Regulations  
16 ("Regulations").

17 8.

18 Under Code Section 10137, no salesperson shall be  
19 employed by, or accept compensation from any person other than  
20 the broker under who he is at the time employed. At the time  
21 of the transaction described in paragraph 6 above, PERALTA and  
22 TORRES were both employed by Hartman Mortgage Services Inc.  
23 The Respondent's were not entitled to receive compensation  
24 through RHS.

25 9.

26 The conduct, acts and/or omissions of PERALTA and  
27 TORRES, as set forth above, are cause for the suspension or

1 revocation of the licenses and license rights of PERALTA and  
2 TORRES, pursuant to Code Sections 10085, 10137, 10177(d) and/or  
3 10177(g).

4 WHEREFORE, Complainant prays that a hearing be  
5 conducted on the allegations of this Accusation and that upon  
6 proof thereof, a decision be rendered imposing disciplinary  
7 action against all the licenses and license rights of  
8 Respondents RICHARD R. PERALTA CRUZADO and ESTEBAN J. TORRES  
9 under the Real Estate Law, and for such other and further  
10 relief as may be proper under other applicable provisions of  
11 law.

12 Dated at Los Angeles, California  
13 this 4<sup>th</sup> day of February, 2011.

14  
15  
16   
17 Maria Suarez  
18 Deputy Real Estate Commissioner  
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23

24 cc: RICHARD R. PERALTA CRUZADO  
25 ESTEBAN J. TORRES  
26 Hartman Mortgage Services Inc.  
27 Mi Casa Online Realty Inc.  
Maria Suarez  
Sacto.