

*Sacto
Zany*

FILED

APR 13 2012

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37069 LA
)	
HECTOR J.S. CORREA d.b.a The)	
New Pacific Escrow and The New)	
Pacific A Non Independent)	
Broker Ecrow and <u>RAMON MONTOYA,</u>)	
)	
Respondents.)	

ORDER DENYING RECONSIDERATION

On February 17, 2012, a Decision was rendered in the above-entitled matter. The Decision was to become effective on March 14, 2012 and was stayed by separate Order to April 13, 2012.

I find no good cause to reconsider the Decision of February 17, 2012, and reconsideration is hereby denied.

IT IS SO ORDERED *4/12/2012*
Real Estate Commissioner

[Signature]
By WAYNE S. BELL
Chief Counsel

Auto Stay

FILED

MAR 13 2012

DEPARTMENT OF REAL ESTATE
BY: *James B. Olson*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-37069 LA
)	L-2011040498
RAMON MONTOYA,)	
)	
Respondent(s).)	
)	

ORDER STAYING EFFECTIVE DATE

On February 17, 2012, a Decision was rendered in the above-entitled matter to become effective March 14, 2012.

IT IS HEREBY ORDERED that the effective date of the Decision of February 17, 2012, is stayed for a period of 30 days to allow Respondent RAMON MONTOYA to file a petition for reconsideration.

The Decision of February 17, 2012, shall become effective at 12 o' clock noon on April 13, 2012.

DATED: MARCH 13, 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: *Phillip Ihde*
PHILLIP IHDE
Regional Manager

*Sacto
Slag*

FILED

FEB 23 2012

DEPARTMENT OF REAL ESTATE
BY: *Suzanne Valencia*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
HECTOR J.S. CORREA, d.b.a. The)	NO. H-37069 LA
New Pacific Escrow and The New)	
Pacific A Non Independent Broker))	
Escrow and <u>RAMON MONTOYA,</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 January 30, 2012 and the findings of fact set forth herein are based on one or more of the following: (1) Respondent RAMON MONTOYA ("MONTOYA")'s express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On February 9, 2011, 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, and by regular mail to both Respondents' last known mailing address on file with the Department on February 14, 2011.

Both Respondents filed Notices of Defense. Respondent HECTOR J.S. CORREA settled his case by Stipulation and Agreement.

MONTOYA was duly notified of the hearing, which was scheduled for January 24, 2012. MONTOYA failed to appear at the January 24, 2012 hearing. On , 2012, Respondent's default was entered herein.

2.

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

3.

MONTOYA was not licensed with the Department as employed by CORREA, or any fictitious business name for CORREA at any relevant time addressed herein.

4.

On or about October 18, 2008, Juan Carlos Villasana and Karla Cecilia Villasana ("the Villasanas") entered into a Commercial Property Purchase Agreement and Joint Escrow Instructions for a property located at 116 Sycamore Drive, Los Angeles, CA. The Real Estate broker listed as the selling and listing firm on this agreement was MONTOYA, by "The New Pacific Real Estate." The terms of the purchase agreement further stated that "the buyer has given a deposit in the amount of \$15,000 to the agent submitting the offer." On October 20, 2008, the Villasanas submitted a \$15,000 personal check to "The New Pacific Escrow" as a deposit on the property described above. This check was cashed on October 21, 2008. Escrow never closed on the property and the Villansanas did not receive a refund of their deposit.

DETERMINATION OF ISSUES

1.

Under Code Section 10137, no salesperson shall be employed by, or accept compensation from any person other than the broker under whom he is at the time licensed. By representing himself as employed by The New Pacific Real Estate and submitting a \$15,000 deposit to a unlicensed escrow company,

the conduct, acts, or omissions of MONTOYA, as alleged in Finding 4 above, constitutes substantial misrepresentation and false promises likely to induce, subjecting MONTOYA's real estate license and license rights to suspension or revocation pursuant to Sections 10137, 10177(j), 10177(d) and 10177(g) of the Code.

2.

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

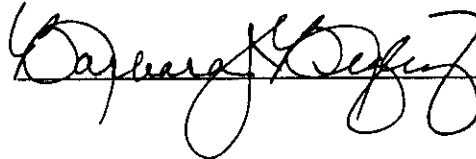
ORDER

The licenses and license rights of Respondent RAMON MONTOYA 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 14 2012.

DATED: 2/17/12.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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

FILED

4 (213) 576-6982

JAN 30 2012

DEPARTMENT OF REAL ESTATE
BY: Jana B. Olson

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

NO. H-37069 LA

12 HECTOR J.S. CORREA, d.b.a. The)

13 New Pacific Escrow and The New)

Pacific A Non Independent Broker)

DEFAULT ORDER

14 Escrow and RAMON MONTOYA,)

15 Respondents.)

16
17 Respondent RAMON MONTOYA filed a Notice of Defense
18 within the time required by Section 11506 of the Government
19 Code. A hearing was set for January 24, 2012. Respondent
20 was duly notified of the hearing but failed to appear.
21 Respondent is now in default. It is therefore, ordered that
22 a default be entered on the record in this matter.

23 IT IS SO ORDERED JANUARY 30, 2012

24 BARBARA J. BIGBY

Acting Real Estate Commissioner

25 By: Phillip Ihde

26 PHILLIP IHDE

Regional Manager
27

SFACTO
Flag

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: Quintanilla

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

10 In the Matter of the Accusation of) No. H-37069 LA
11) L-201100498
12)
13 HECTOR J.S. CORREA, d.b.a. The New) STIPULATION AND AGREEMENT
14 Pacific Escrow and The New Pacific)
A Non Independent Broker Escrow and)
15 RAMON MONTOYA,)
16 Respondents.)

17 It is hereby stipulated by and between HECTOR J.S.
18 CORREA and the Complainant, acting by and through James A. Demus,
19 Counsel for the Department of Real Estate, as follows for the
20 purpose of settling and disposing of the Accusation in this
21 matter:

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

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 HECTOR J.S. CORREA, as described in
8 Paragraph 4, above, is in violation of Code Sections 10137,
9 10145, 10148 and 10161.8, and is a basis for discipline of
10 Respondent's license and license rights pursuant to Sections
11 10137, 10165, 10177(d) and 10177(g) of the Code.

12 ORDER

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

15 I

16 Respondent HECTOR J.S. CORREA is publicly reproved.

17 II

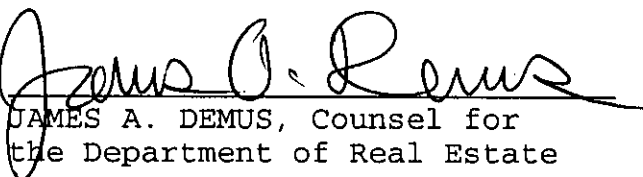
18 Respondent HECTOR J.S. CORREA shall within six months
19 from the effective date of this Decision, take and pass the
20 Professional Responsibility Examination administered by the
21 Department including the payment of the appropriate examination
22 fee. If Respondent fails to satisfy this condition,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

25 III

26 All licenses and licensing rights of Respondent HECTOR
27 J.S. CORREA are indefinitely suspended unless or until Respondent

1 provides proof satisfactory to the Commissioner, of having taken
2 and successfully completed the continuing education course on
3 trust fund accounting and handling specified in paragraph (3) of
4 subdivision (a) of Section 10170.5 of the Business and
5 Professions Code. Proof of satisfaction of this requirement
6 includes evidence that respondent has successfully completed the
7 trust fund account and handling continuing education course
8 within 120 days prior to the effective date of the Decision in
9 this matter.

10
11
12 DATED: 11/29/11


JAMES A. DEMUS, Counsel for
the Department of Real Estate

13
14
15 EXECUTION OF THE STIPULATION

16 I have read the Stipulation and Agreement and its terms
17 are understood by me and are agreeable and acceptable to me. I
18 understand that I am waiving rights given to me by the California
19 Administrative Procedure Act (including but not limited to
20 Sections 11506, 11508, 11509 and 11513 of the Government Code),
21 and I willingly, intelligently and voluntarily waive those
22 rights, including the right of requiring the Commissioner to
23 prove the allegations in the Accusation at a hearing at which I
24 would have the right to cross-examine witnesses against me and to
25 present evidence in defense and mitigation of the charges.

26 Respondent can signify acceptance and approval of the
27 terms and conditions of this Stipulation by faxing a copy of its

1 signature page, as actually signed by Respondent, to the
2 Department at the following telephone/fax number: James A. Demus
3 at (213) 576-6917. Respondent agrees, acknowledges and
4 understands that by electronically sending to the Department a
5 fax copy of Respondent's actual signature, as it appears on the
6 Stipulation, that receipt of the faxed copy by the Department
7 shall be as binding on Respondent as if the Department had
8 received the original signed Stipulation.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 11-28-2011


HECTOR J.S. CORREA, 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

1 signature page, as actually signed by Respondent, to the
2 Department at the following telephone/fax number: James A. Demus
3 at (213) 576-6917. Respondent agrees, acknowledges and
4 understands that by electronically sending to the Department a
5 fax copy of Respondent's actual signature, as it appears on the
6 Stipulation, that receipt of the faxed copy by the Department
7 shall be as binding on Respondent as if the Department had
8 received the original signed Stipulation.

9
10
11 DATED: _____

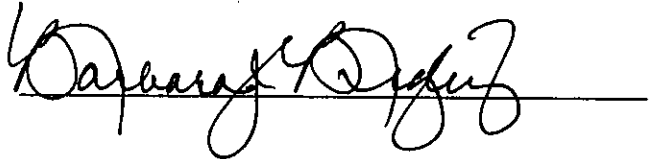
HECTOR J.S. CORREA, Respondent

12
13 * * * *

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

17 IT IS SO ORDERED 12/13/11

18 BARBARA J. BIGBY
19 Acting Real Estate Commissioner

20 
21
22
23
24
25
26
27

FILED

FEB 14 2011

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

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

(213) 576-6982
(213) 576-6910 (direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37069 LA
)	
HECTOR J.S. CORREA, d.b.a. The)	<u>A C C U S A T I O N</u>
New Pacific Escrow and The New)	
Pacific A Non Independent Broker)	
Escrow and RAMON MONTOYA,)	
)	
Respondents.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against HECTOR J.S. CORREA, d.b.a. The New Pacific Escrow and The New Pacific A Non Independent Broker Escrow, and RAMON MONTOYA alleges as follows:

I

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against HECTOR J.S. CORREA d.b.a. The New Pacific Escrow and The New Pacific a Non Independent Broker Escrow, and RAMON MONTOYA.

1 II

2 HECTOR J.S. CORREA ("CORREA") is presently licensed
3 and/or has license rights under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code, hereinafter
5 "Code") as a broker. From November 21, 2008 to August 11, 2010,
6 CORREA was licensed with the Department of Real Estate for the
7 State of California ("Department") under the d.b.a. "The New
8 Pacific Real Estate". From January 22, 2009 until August 11,
9 2010, CORREA was licensed with the Department under the d.b.a.
10 "The New Pacific A Non Independent Broker Escrow." "The New
11 Pacific Escrow" is not now, nor has it ever been, licensed by the
12 Department in any capacity.

13 III

14 RAMON MONTOYA ("MONTOYA") presently has license rights
15 under the Real Estate Law as a salesperson. On October 12, 2010,
16 MONTOYA's salesperson license expired. Pursuant to Business and
17 Professions Code ("Code") Section 10201, MONTOYA retains renewal
18 rights for two years. The Department of Real Estate holds
19 jurisdiction over the lapsed license, pursuant to Code Section
20 10103. MONTOYA was not licensed with the Department as employed
21 by CORREA, or any of d.b.a. for CORREA at any relevant time
22 addressed herein.

23 ///

24 ///

25 ///

26 ///

27 ///

1 FIRST CAUSE OF ACCUSATION

2 (UNLICENSED ACTIVITY and SUBSTANTIAL MISREPRESENTATION)

3 IV

4 Villasana Transaction

5 On or about October 18, 2008, Juan Carlos Villasana and
6 Karla Cecilia Villasana ("the Villasanas") entered into a
7 Commercial Property Purchase Agreement and Joint Escrow
8 Instructions for a property located at 116 Sycamore Drive, Los
9 Angeles, CA. The Real Estate broker listed as the selling and
10 listing firm on this agreement was MONTOYA, by "The New Pacific
11 Real Estate."

12 The terms of the purchase agreement further stated that
13 "the buyer has given a deposit in the amount of \$15,000 to the
14 agent submitting the offer." On October 20, 2008, the Villasanas
15 submitted a \$15,000 personal check to "The New Pacific Escrow" as
16 a deposit on the property described above. This check was cashed
17 on October 21, 2008. Escrow never closed on the property and
18 the Villansanas did not receive a refund of their deposit.

19 V

20 Avalos Transaction

21 On or about September 12, 2009, Wilfredo Vasquez Avalos
22 ("Avalos") entered into a Commercial Property Purchase Agreement
23 and Joint Escrow Instructions for a property located at 722 S.
24 Hartford Avenue, Los Angeles, CA. The seller of this property
25 was MONTOYA. The Real Estate broker listed as the selling firm
26 on the agreement was "The New Pacific Real Estate by Javier
27 Rodriguez." The DRE license number listed on this agreement was

1 01503109. This was the license number for Bienes Realty Services
2 Inc, not for The New Pacific Real Estate. Xavier Rodriguez, the
3 designated officer of Bienes Realty Services Inc, had no
4 knowledge of this transaction and no association with The New
5 Pacific Real Estate.

6 On or about August 14, 2009, Escrow Instructions for
7 the property listed above were completed by The New Pacific
8 Escrow. These included provisions for commissions of \$52,000 to
9 be paid to The New Pacific Real Estate and Bienes Realty Services
10 Inc.

11 VI

12 Under Code Section 10137, no salesperson shall be
13 employed by or accept compensation from any person other than the
14 broker under whom he is at the time licensed. By representing
15 himself as employed by The New Pacific Real Estate and submitting
16 a \$15,000 deposit to a unlicensed escrow company, the conduct,
17 acts, or omissions of MONTOYA, as alleged in Paragraph IV above,
18 constitutes substantial misrepresentation and false promises
19 likely to induce, subjecting MONTOYA's real estate license and
20 license rights to suspension or revocation pursuant to Sections
21 10137, 10177(j), 10177(d) and/or 10177(g) of the Code.

22 VII

23 The failure of CORREA to inform to Commissioner of the
24 employment of MONTOYA, as set forth above, constitutes a
25 violation by CORREA of Code Sections 10137 and 10161.8, providing
26 grounds for suspension or revocation pursuant to Sections 10137,
27 10165, 10177(d) and/or 10177(g) of the Code. The representation

1 by the New Pacific Real Estate that Biennes Realty Services Inc.
2 was involved in the transaction described in paragraph V above
3 subjects CORREA's real estate license and license rights to
4 suspension or revocation pursuant to Sections 10176(a) and/or
5 10177(g) of the Code.

6 SECOND CAUSE OF ACCUSATION

7 (FAILURE TO RETAIN RECORDS)

8 VIII

9 On June 8, 2010, CORREA was served with a subpoena
10 duces tecum alleging sufficient cause to require CORREA to
11 produce for inspection and copying the following material,
12 including, but not limited to:

13 Salesperson, Broker and Fictitious Business Name
14 Licenses; bank statements, cancelled checks and deposit slips for
15 all trust account used in connection with real estate activity;
16 trust fund account reconciliation; real estate transaction files
17 for 1108 West 100th Street and 116 Sycamore Park Drive in Los
18 Angeles; all records related to escrow activities; transaction
19 files, promissory notes; escrow transaction logs; all records of
20 compensation from transactions; and loan servicing records.

21 In response to this subpoena duces tecum, CORREA
22 stated, in a letter dated June 16, 2010, that he failed to retain
23 any of the materials requested pursuant to the subpoena duces
24 tecum.

25 IX

26 The facts alleged above are grounds for the suspension
27 or revocation of CORREA's license under Section 10177(d)

1 and/or Section 10177(g) of the Code in conjunction with Section
2 10148 of the Code.

3 THIRD CAUSE OF ACCUSATION

4 (FAILURE TO MAINTAIN A TRUST ACCOUNT)

5 X

6 In further response to the subpoena described in
7 paragraph VIII above, CORREA stated that "no trust fund was
8 established" for either "The New Pacific Escrow" or "The New
9 Pacific A Non Independent Broker Escrow." As set forth in
10 Paragraph IV above, MONTOYA and CORREA collected funds belonging
11 to others in connection with transactions requiring a license.
12 CORREA's failure to deposit those funds in a trust account or
13 into a licensed escrow depository constituted a violation of Code
14 Section 10145 and Section 2832 of Title 10, Chapter 6, California
15 Code of Regulations, thus providing grounds for the suspension or
16 revocation of CORREA's license under Section 10177(d) and/or
17 Section 10177(g) of the Code.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 licenses and license rights of Respondents HECTOR J.S. CORREA and RAMON MONTOYA 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 9 day of February, 2011.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Hector J.S. CORREA
Ramon Montoya
Robin Trujillo
Sacto.