

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE JAN 17 2012

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

\* \* \* \*

In the Matter of the Accusation of )

)

No. H-37257 LA

TONY ELVIS GARCIA, )

)

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 October 28, 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.

This Decision revokes a real estate license on grounds of the conviction of a crime.

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 Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On April 26, 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, to Respondent's last known mailing address on file with the Department on May 9, 2011. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by regular mail, to Respondent's last known mailing address on file with the Department on June 1, 2011.

On October 28, 2011, 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.

## II

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 (hereinafter "Code") as a real estate salesperson.

## III

On or about January 15, 2010, in the Superior Court of the State of California, County of Orange, in Case No. 09NM15634 MA, Respondent was convicted of violating Vehicle Code Section 4462.5 (false evidence of registration), and Vehicle code Section 12500(a) (driving without a license), both misdemeanors.

## IV

The evidence established that the crimes of which Respondent was convicted are substantially related to the qualifications, functions and duties of a real estate licensee.

## DETERMINATION OF ISSUES

### I

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

### II

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

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ORDER

The licenses and license rights of Respondent TONY ELVIS GARCIA 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

FEB 06 2012

DATED: 1/6/12

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

FILED

OCT 28 2011

DEPARTMENT OF REAL ESTATE

BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \* \*

10  
11 In the Matter of the Accusation of )

) NO. H-37257 LA

12 TONY ELVIS GARCIA, )

) DEFAULT ORDER

13 Respondent. )


14  
15 Respondent, TONY ELVIS GARCIA, having failed to file  
16 a Notice of Defense within the time required by Section 11506  
17 of the Government Code, is now in default. It is, therefore,  
18 ordered that a default be entered on the record in this matter.

19 OCT 28 2011

20 IT IS SO ORDERED \_\_\_\_\_

21 BARBARA J. BIGBY

22 Acting Real Estate Commissioner

23   
24 By: PHILLIP IHDE  
25 Regional Manager  
26  
27

JULIE L. TO, Counsel (SBN 219482)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6916

**FILED**

MAY 09 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-37257 LA
TONY ELVIS GARCIA )	<u>A C C U S A T I O N</u>
Respondent. )	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TONY ELVIS GARCIA, a.k.a. Elvis Garcia or Elvis Pineda Garcia ("Respondent") is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, 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

1 estate salesperson. Respondent's license expired on March 12,  
2 2011. The Department retains jurisdiction pursuant to Code  
3 Section 10103.

4 3.

5 On or about January 15, 2010, in the Superior Court of  
6 the State of California, County of Orange, in Case No. 09NM15634  
7 MA, Respondent was convicted of violating Vehicle Code Section  
8 4462.5 (false evidence of registration), and Vehicle code  
9 Section 12500(a) (driving without a license), both misdemeanors.  
10 Respondent was sentenced to 24 months probation with imposition  
11 of sentence suspended, pay fines totaling \$556.00, and ordered  
12 to pay restitution in the amount of \$100.00. On or about October  
13 13, 2010, Respondent violated his probation for failure to pay  
14 fines and said probation was modified to include 10 day of jail  
15 which was stayed pending completion of probation with no further  
16 violations.

17 4.

18  
19 This conviction, by its facts and circumstances, bears  
20 a substantial relationship under Section 2910, Title 10, Chapter  
21 6, California Code of Regulations to the qualifications,  
22 functions or duties of a real estate licensee.

23 5.

24 The crime of which Respondent was convicted  
25 constitutes cause under Sections 490 and 10177(b) of the Code  
26 for the suspension or revocation of the license and license  
27 rights of Respondent under the Real Estate Law.

1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, TONY ELVIS GARCIA, under the Real Estate Law (Part 1  
6 of Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California

10 this 26 day of April, 2011.

11   
12 \_\_\_\_\_  
13 Robin Trujillo  
14 Deputy Real Estate Commissioner  
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22  
23  
24

25 cc: TONY ELVIS GARCIA  
26 Mazlat Inc.  
27 Robin Trujillo  
Sacto.