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NOV 30 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
)	NO. H-37452 LA
<u>CONQUISTAMERICA INC.</u> ; and)	
ARTURO JESUS OCHOA,)	
individually and as designated)	
officer of ConquistAmerica Inc,)	
)	
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 12, 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 August 2, 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, to Respondent at its address of record on August 18, 2011, and by regular mail on August 24, 2011.

On October 12, 2011, no Notice of Defense having been filed herein on behalf of Respondent CONQUISTAMERICA INC ("CI")

within the time prescribed by Section 11506 of the Government Code, CI's default was entered herein.

2.

CI 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 corporate real estate broker. CI was originally issued a corporate real estate broker license by the Department on September 6, 2005.

3.

At all times herein mentioned, CI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a corporate real estate broker in the State of California within the meaning of Code Section 10131. Its activities included acting for another or others in the purchase, sale, or exchange of real property. Said activity also included soliciting borrowers and lenders and negotiating the terms of loans to be secured by liens on real property in expectation of compensation.

4.

On July 2, 2010, the Department completed an audit examination of the books and records of CI pertaining to the real estate sales activities described in paragraph 3, above. The audit examination covered the period of time from April 1, 2007, to March 31, 2010. The audit examination revealed numerous violations of the Real Estate Law (Part I of Division 4 of the Business and Professions Code) as set forth in Audit Report LA 090189 and the exhibits and work papers attached to said audit report. Specifically, Respondent CI was found to have violated Code Sections, 10145, 10137, and 10159.5, and Sections 2731, 2831, 2832, and 2905 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

5.

On or about August 2, 2010, the Franchise Tax Board of the State of California suspended the powers, rights and privileges of CI pursuant to the provisions of the California Revenue and Taxation Code. The corporate powers, rights and privileges of CI remain suspended to date, in violation of Regulation 2742(c).

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent CONQUISTAMERICA INC exists pursuant to Business and Professions Code Sections 10145, 10137, 10159.5, 10177(d) and 10177(f) and Regulations 2731, 2742(c), 2831, 2832, and 2905 of Title 10, Chapter 6, California Code of Regulations.

2.

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

ORDER

The license and license rights of Respondent CONQUISTAMERICA INC, 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 December 20, 2011.

DATED: 11/17, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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OCT 12 2011

DEPARTMENT OF REAL ESTATE
BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) NO. H-37452 LA
)
) CONQUISTAMERICA INC. and,)
) ARTURO JESUS OCHOA,)
) individually, and as designated) DEFAULT ORDER
) officer of Conquistamerica Inc,)
) Respondents.)

Respondent, CONQUISTAMERICA INC., 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.

IT IS SO ORDERED October 6, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

[Signature]
By: DOLORES WEEKS
Regional Manager

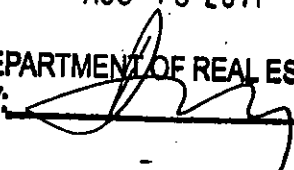
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Department of Real Estate
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FILED

AUG 18 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H- 37452 LA

CONQUISTAMERICA INC; and
ARTURO JESUS OCHOA,
individually and as designated
officer of ConquistAmerica Inc,

A C C U S A T I O N

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against CONQUISTAMERICA INC, and ARTURO JESUS OCHOA individually
and as designated officer of ConquistAmerica Inc, 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.

///

1 2.

2 All references to the "Code" are to the California
3 Business and Professions Code and all references to "Regulations"
4 are to Title 10, Chapter 6, California Code of Regulations.

5 3.

6 Respondent CONQUISTAMERICA INC ("CI") is licensed by the
7 Department of Real Estate ("Department") as a corporate real
8 estate broker. Respondent CI was originally licensed as a
9 corporate real estate broker on or about September 6, 2005, with
10 Respondent ARTURO JESUS OCHOA ("OCHOA") as its designated officer
11 until June 03, 2010. CI currently has no designated officer, and
12 the corporate status of CI was suspended by the California
13 Franchise Tax Board, effective August 2, 2010.

14 4.

15 Respondent OCHOA is licensed by the Department as a
16 real estate broker. Respondent OCHOA was originally licensed as
17 a real estate broker on June 4, 2003. Effective June 3, 2011,
18 Respondent's real estate broker license expired. Pursuant to
19 Code Section 10201, Respondent has a two-year right of renewal.
20 Pursuant to Code Section 10103, the Department of Real Estate
21 retains jurisdiction.

22 5.

23 At all times mentioned, in the City of Santa Ana,
24 County of Orange, Respondents engaged in the business of, acted
25 in the capacity of, advertised, or assumed to act as real estate
26 brokers within the meaning of Code Sections 10131(a) and
27 10131(d), including the solicitation for listings of and the

1 negotiation of the purchase and sale of real property or a
2 business opportunity as the agent of others, and the solicitation
3 of borrowers or lenders for and/or negotiation of loans,
4 collecting payments and/or performing services for borrowers or
5 lenders in connection with loans secured by liens on real
6 property.

7 FIRST CAUSE OF ACCUSATION

8 (Audit of CI)

9 6.

10 On July 2, 2010, the Department completed an audit
11 examination of the books and records of CI pertaining to the real
12 estate sales activities described in paragraph 5, above. The
13 audit examination covered the period of time from April 1, 2007,
14 to March 31, 2010. The primary purpose of the examination was to
15 determine Respondents' compliance with the Real Estate Law. The
16 audit examination revealed numerous violations of the Code and
17 the Regulations as set forth in the following paragraphs, and
18 more fully discussed in Audit Report LA 090189 and the exhibits
19 and work papers attached to said audit report.

20 7.

21 At all times herein relevant, in connection with the
22 activities described in Paragraph 5, above, CI maintained a trust
23 account, but no funds were deposited or disbursed during the
24 audit period.

25 8.

26 With respect to the licensed activities referred to in
27 Paragraph 5, and the audit examination including the exhibits and

1 work papers referenced in Paragraph 6, it is alleged that
2 Respondents CI and OCHOA:

3 (a) Failed to maintain a columnar record of the
4 receipt and disbursement of trust funds received, but not placed
5 in CI's trust account with regard to some earnest money deposits,
6 in violation of Code Section 10145 and Regulation 2831;

7 (b) Failed to place trust funds, including earnest
8 money deposits accepted on behalf of another, including but not
9 limited to buyers Punjabi and Hu, into the hands of the owner of
10 the funds, a neutral escrow depository, or into a trust fund
11 account in the name of the trustee at a bank or other financial
12 institution not later than three business days following receipt
13 of the funds by the broker or by the broker's salesperson, in
14 violation of Code Section 10145 and Regulation 2832;

15 (c) Misrepresented to sellers that CI held an earnest
16 money deposit from the buyer for the transaction involving
17 Bridgeway Processing Services LLC, in violation of Code Section
18 10176(a);

19 (d) Employed and/or compensated Roberto Ruiz, who was
20 licensed by the Department as a real estate salesperson, yet not
21 licensed under CI or OCHOA, where Roberto Ruiz negotiated the
22 Punjabi sales transaction, in violation of Code Section 10137;

23 (e) Failed to maintain a record of the pest control
24 report in one known real estate sales transaction, in violation
25 of Regulation 2905;

26 (f) Used the fictitious business name "Elite Team
27 Realty" to conduct real estate activities without obtaining a

1 license from the Department to conduct real estate activities
2 under that fictitious business name, in violation of Code Section
3 10159.5 and Regulation 2731; and

4 (g) As to Respondent OCHOA, failed to exercise
5 adequate supervision over the activities of CI to ensure
6 compliance with the Real Estate Laws, in violation of Code
7 Sections 10159.2 and 10177(h), and Regulation 2725.

8 9.

9 The conduct of Respondents described in Paragraph 8,
10 above, violated the Code and the Regulations as set forth below:

11	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
12		
13	8(a)	Code Section 10145 and
14		Regulation 2831
15		
16		
17	8(b)	Code Section 10145 and
18		Regulation 2832
19		
20		
21	8(c)	Code Section 10176(a)
22		
23		
24	8(d)	Code Sections 10137
25		
26		
27		

1 8(e) Regulation 2905

2
3
4 8(f) Code Section 10159.5 and
5 Regulation 2731

6
7
8 8(g) Code Sections 10159.2, 10177(h) and
9 Regulation 2725 (OCHOA)

10
11
12 Each of the foregoing violations constitute cause for
13 the suspension or revocation of the real estate license and
14 license rights of Respondents under the provisions of Code
15 Sections 10176(a), 10177(d), 10177(g), and/or 10177(h).

16 SECOND CAUSE OF ACCUSATION

17 (Corporate Suspension of CI)

18 10.

19 On or about August 2, 2010, the Franchise Tax Board of
20 the State of California suspended the powers, rights and
21 privileges of Respondent CI pursuant to the provisions of the
22 California Revenue and Taxation Code. The corporate powers,
23 rights and privileges of Respondent remain suspended to date.

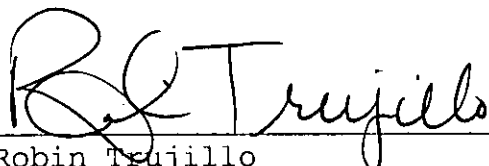
24 11.

25 The conduct of Respondent, CI, as alleged above, is in
26 violation of Section 2742(c) of Title 10, Chapter 6, California
27 Code of Regulations, and subjects its real estate license and

1 license rights to suspension or revocation pursuant to Code
2 Section 10177(d) and (f).
3

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 the license and license rights of Respondents
8 CONQUISTAMERICA INC, ARTURO JESUS OCHOA individually and as
9 designated officer of ConquistAmerica Inc, under the Real Estate
10 Law (Part 1 of Division 4 of the Business and Professions Code)
11 and for such other and further relief as may be proper under
12 other applicable provisions of law.
13

14 Dated at Los Angeles, California: August 2, 2011.
15

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17 _____
18 Robin Trujillo
19 Deputy Real Estate Commissioner
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25 cc: ConquistAmerica Inc
26 Arturo Jesus Ochoa
27 Robin Trujillo
Sacto
Audits - Isabel Beltran