

Sub

FILED

AUG - 7 2013

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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)
)
PW CAPITAL CORP., doing business as)
Pacific West Real Estate Associates, and)
Pacific West Real Estate and Associates)
and ADRIAN HERNANDEZ,)
individually and as designated officer)
of PW Capital Corp.,)
)
Respondents.)

No. H-37689 LA

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 21, 2011, an Accusation was filed in this matter against Respondent PW CAPITAL CORP.

On March 19, 2013, Respondent PW CAPITAL CORP. petitioned the Commissioner to voluntarily surrender its real estate broker license and license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent PW CAPITAL CORP.'s petition for voluntary surrender of its real estate broker license and license rights is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement


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

expressed in Respondent's Declaration dated March 19, 2013, (attached as Exhibit "A" hereto).
Respondent's license certificate, pocket card and any branch office license certificate shall be
sent to the below listed address so that they reach the Department on or before the effective date
of this Order:

Department of Real Estate
Atten: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on August 27, 2013.

DATED: July 17, 2013

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

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

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
<u>PW CAPITAL CORP.</u> , doing business as)	No. H-37689 LA
Pacific West Real Estate Associates, and)	
Pacific West Real Estate and Associates)	
and ADRIAN HERNANDEZ,)	
individually and as designated officer)	
of PW Capital Corp.,)	
)	
Respondents.)	

DECLARATION

My name is ADRIAN HERNANDEZ and I am currently licensed as an individual real estate broker and as the designated officer of PW CAPITAL CORP., which is licensed as a corporate real estate broker. The abovementioned licenses are current and have license rights. I am acting individually and on behalf of PW CAPITAL CORP. in this matter and I am authorized to sign this declaration on behalf of PW CAPITAL CORP.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Government Code sections 11400 et seq.), PW CAPITAL CORP. wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code section 10100.2.

1 I understand that by voluntarily surrendering its license, PW CAPITAL CORP. can only
2 have that license reinstated in accordance with the provisions of section 11522 of the
3 Government Code. I, ADRIAN HERNANDEZ, individually and on behalf of PW CAPITAL
4 CORP., agree to the following:

5 1. The filing of this Declaration shall be deemed as a petition for voluntary surrender
6 filed on behalf of PW CAPITAL CORP.

7 2. I, ADRIAN HERNANDEZ, acting on behalf of PW CAPITAL CORP., waive all
8 rights it may have to require the Commissioner to prove the allegations contained in the
9 Accusation filed in this matter at a hearing held in accordance with the provisions of the
10 Administrative Procedure Act (Government Code sections 11400 et seq.), and that it also waives
11 other rights afforded to it in connection with the hearing such as the right to discovery, the right
12 to present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 3. Respondent PW CAPITAL CORP. stipulates that the Commissioner may file and
15 serve upon Respondent PW CAPITAL CORP., and that PW CAPITAL CORP agrees to be
16 subject to, an Order of Debarment pursuant to Business & Professions Code section 10087,
17 barring Respondents, for a period of 36 months, from any position of employment, management,
18 or control in any business activity involving real estate that is subject to regulation under
19 Division 4 of the Business & Professions Code (beginning with section 10000); from
20 participating in any business activity of a real estate salesperson or a real estate broker; from
21 engaging in any real estate-related business activity on the premises where a real estate
22 salesperson or real estate broker is conducting business; and from participating in any real estate-
23 related business activity of a finance lender, residential mortgage lender, bank, credit union,
24 escrow company, title company, or underwritten title company.


25 4. Respondent PW CAPITAL CORP. stipulates that all affidavits and all relevant
26 evidence obtained by the Department in this matter prior to the Commissioner's acceptance of
27 this petition for voluntary surrender, and all allegations contained in the Accusation filed in the

1 Department's Case No. H-37689 LA may be considered by the Department when deciding
2 whether or not to grant reinstatement of the real estate licenses of Respondents pursuant to
3 Government Code Section 11522.

4 5. There are no audit costs chargeable to Respondent PW CAPITAL CORP. for the
5 Departmental audits LA 110026 and LA 110027.

6 I declare under penalty of perjury under the laws of the State of California that the above
7 is true and correct and that I am acting freely and voluntarily on behalf of PW CAPITAL CORP.,
8 to surrender my license and the corporate real estate broker license issued to PW CAPITAL
9 CORP., and all license rights attached thereto.

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



PW CAPITAL CORP. by
ADRIAN HERNANDEZ, President,
and as Designated Officer

3/19/13

Dated

Jack

FILED

AUG -7 2013

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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)	
)	
PW CAPITAL CORP., doing business as)	No. H-37689 LA
Pacific West Real Estate Associates, and)	
Pacific West Real Estate and Associates)	
and <u>ADRIAN HERNANDEZ</u> ,)	
individually and as designated officer)	
of PW Capital Corp.,)	
)	
Respondents.)	

In the Matter of the Accusation of)	
)	
LDT INVESTMENTS INC., doing business as)	No. H-37473 LA
LDT Escrow Division a Non-Independent)	
Escrow Division; and <u>ADRIAN HERNANDEZ</u> ,)	
individually and as designated officer)	
of LDT Investments Inc.,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 21, 2011, an Accusation was filed against PW CAPITAL CORP. and ADRIAN HERNANDEZ. On August 24, 2011, an Accusation was filed against LDT INVESTMENTS INC. and ADRIAN HERNANDEZ

1 On March 19, 2013, Respondent ADRIAN HERNANDEZ petitioned the
2 Commissioner to voluntarily surrender his real estate broker license rights pursuant to Section
3 10100.2 of the Business and Professions Code.

4 IT IS HEREBY ORDERED that Respondent ADRIAN HERNANDEZ' petition
5 for voluntary surrender of his real estate broker license and license rights is accepted as of the
6 effective date of this Order as set forth below, based upon the understanding and agreement
7 expressed in Respondent's Declaration dated March 19, 2013, (attached as Exhibit "A" hereto).
8 Respondent's license certificate, pocket card and any branch office license certificate shall be
9 sent to the below listed address so that they reach the Department on or before the effective date
10 of this Order:
11


12 Department of Real Estate
13 Atten: Licensing Flag Section
14 P.O. Box 187000
15 Sacramento, CA 95818-7000

16 This Order shall become effective at 12 o'clock noon on

17 August 27, 2013

18 DATED: July 17, 2013

19
20 Real Estate Commissioner

21 
22

23 **By: JEFFREY MASON**
24 **Chief Deputy Commissioner**

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

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
PW CAPITAL CORP., doing business as)	No. H-37689 LA
Pacific West Real Estate Associates, and)	
and <u>ADRIAN HERNANDEZ</u> ,)	
individually and as designated officer)	
of PW Capital Corp., and doing business as)	
Pacific West Real Estate and Associates,)	
)	
Respondents,)	

In the Matter of the Accusation of)	
)	
LDT INVESTMENTS INC., doing business as)	No. H-37473 LA
LDT Escrow Division a Non-Independent)	
Escrow Division; and <u>ADRIAN HERNANDEZ</u>)	
individually and as designated officer)	
of LDT Investments Inc.,)	
)	
Respondents.)	

DECLARATION

My name is ADRIAN HERNANDEZ and I am currently licensed and have licensed rights as an individual real estate broker and as the designated officer of PW Capital Corp. and former designated officer LDT Investments Inc.

1 In lieu of proceeding in this matter in accordance with the provisions of the
2 Administrative Procedure Act (Government Code sections 11400 et seq.), I wish to voluntarily
3 surrender my real estate license and license rights issued by the Department of Real Estate
4 ("Department"), pursuant to Business and Professions Code section 10100.2.

5 I understand that by voluntarily surrendering my license, I can only be relicensed as a
6 broker or salesperson and have my license reinstated in accordance with the provisions of section
7 11522 of the Government Code. I agree to the following:

8 1. The filing of this Declaration shall be deemed a petition for voluntary surrender.

9 2. I waive all rights I may have to require the Commissioner to prove the allegations
10 contained in the Accusations filed in the Department's Case Nos. H-37473 LA and H-37689 LA
11 at a hearing held in accordance with the provisions of the Administrative Procedure Act. I also
12 waive other rights afforded to me in connection with the hearing such as the right to discovery,
13 the right to present evidence in defense of the allegations in the Accusations and the right to
14 cross-examine witnesses.

15 3. I stipulate that the Commissioner may file and serve on me, and that I agree to be
16 subject to, an Order of Debarment pursuant to Business & Professions Code section 10087,
17 barring me, for a period of 36 months, from any position of employment, management, or
18 control in any business activity involving real estate that is subject to regulation under Division 4
19 of the Business & Professions Code (beginning with section 10000); from participating in any
20 business activity of a real estate salesperson or a real estate broker; from engaging in any real
21 estate-related business activity on the premises where a real estate salesperson or real estate
22 broker is conducting business; and from participating in any real estate-related business activity
23 of a finance lender, residential mortgage lender, bank, credit union, escrow company, title
24 company, or underwritten title company.

25 4. I stipulate that all affidavits and all relevant evidence obtained by the Department in
26 this matter prior to the Commissioner's acceptance of this petition for voluntary surrender, and
27 all allegations contained in the Accusations filed in the Department's Case Nos. H-37473 LA and

1 H-37689 LA may be considered by the Department when deciding whether or not to grant
2 reinstatement of my real estate license pursuant to Government Code Section 11522.

3 5. I understand that there are no audit costs chargeable to Respondent ADRIAN
4 HERNANDEZ for the Departmental audits in Case Nos. H-37473 LA and H-37689 LA.

5 6. This Declaration is made for the purpose of reaching a resolution of allegations
6 contained in Departmental Case Nos. H-37473 LA and H-37689, and is expressly limited to this
7 proceeding and any other proceeding or case in which the Department of Real Estate is a party
8 and shall not otherwise be admissible or relied upon by any third parties for any purpose.

9 I declare under penalty of perjury under the laws of the State of California that the above
10 is true and correct and that I am acting freely and voluntarily in surrendering my license and all
11 license rights attached thereto.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27


ADRIAN HERNANDEZ

3/19/13
DATE