

72-819

FILED

APR 19 2013

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-37806 LA
GO AFFILIATED CAPITAL CORPORATION;) L-2012021102
BRIAN RENE LINNEKENS; GEORGE A.)
SANTANA; PAUL ARISTIDAS TRIMAKAS;)
and NICHOLAS VINCENT GOTTUSO,)
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 16, 2012, a First Amended Accusation was filed in this matter against Respondent NICHOLAS VINCENT GOTTUSO.

On March 5, 2013, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent NICHOLAS VINCENT GOTTUSO's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated

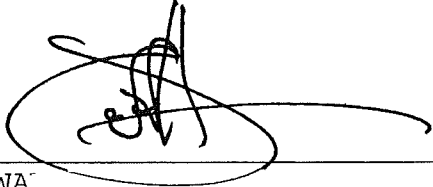
1 March 5, 2013 (attached as Exhibit "A" hereto). Respondent's
2 license certificate and pocket card shall be sent to the below
3 listed address so that they reach the Department on or before the
4 effective date of this Order:

5 DEPARTMENT OF REAL ESTATE
6 Attn: Licensing Flag Section
7 P. O. Box 187000
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon
10 on MAY 09 2013, 2013.

11 DATED: April 15, 2013

12 Real Estate Commissioner

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16 WA

17 By: JEFFREY MASON
18 Chief Deputy Commissioner
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Exhibit A

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-37806 LA
No. L-2012021102

GO AFFILIATED CAPITAL)
CORPORATION; BRIAN RENE)
LINNEKENS; GEORGE A. SANTANA;)
PAUL ARISTIDAS TRIMAKAS; and)
NICHOLAS VINCENT GOTTUSO,)
)
Respondents.)
)

DECLARATION

My name is NICHOLAS VINCENT GOTTUSO, and I am currently licensed as a real estate salesperson. I am represented in this matter by Frank Buda, Esq.

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

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson

1 only by petitioning for reinstatement pursuant to Section 11522
2 of the Government Code. I also understand that by so
3 voluntarily surrendering my license, I agree to the following:

4 1. The filing of this Declaration shall be deemed as
5 my petition for voluntary surrender.

6 2. It shall also be deemed to be an understanding and
7 agreement by me that I waive all rights I have to require the
8 Commissioner to prove the allegations contained in the Accusation
9 filed in this matter at a hearing held in accordance with the
10 provisions of the Administrative Procedure Act (Government Code
11 Sections 11400 et seq.), and that I also waive other rights
12 afforded to me in connection with the hearing such as the right
13 to discovery, the right to present evidence in defense of the
14 allegations in the Accusation and the right to cross-examine
15 witnesses.

16 3. I further agree that upon acceptance by the
17 Commissioner, as evidenced by an appropriate order, all
18 affidavits and all relevant evidence obtained by the Department
19 in this matter prior to the Commissioner's acceptance, and all
20 allegations contained in the Accusation filed in the Department
21 Case No. H-37806 LA, may be considered by the Department to be
22 true and correct for the purpose of deciding whether to grant
23 relicensure or reinstatement pursuant to Government Code Section
24 11522.


25 4. This Declaration is not an admission by Respondent
26 NICHOLAS VINCENT GOTTUSO as to the allegations in the Accusation.
27 This Declaration is made for the purpose of reaching a resolution

1 of allegations contained in the DRE Case number H-37806 LA, and
2 is expressly limited to this proceeding and any other proceeding
3 or case in which the Department of Real Estate is a party and
4 shall not otherwise be admissible or relied upon by any third
5 parties for any purpose.

6 5. I freely and voluntarily surrender all my licenses
7 and license rights under the Real Estate Law.

8 6. A copy of the Commissioner's Criteria of
9 Rehabilitation is attached hereto. If and when a petition
10 application is made for reinstatement of a surrendered license,
11 the Real Estate Commissioner will consider as one of the criteria
12 of rehabilitation, whether or not restitution has been made to
13 any person who has suffered monetary losses through
14 "substantially related" acts or omissions of Respondent(s),
15 whether or not such persons are named in the Accusation filed in
16 this case.

17
18 I declare under penalty of perjury under the laws of
19 the State of California that the above is true and correct and
20 that this declaration was executed on 3/5 2013.

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23 NICHOLAS VINCENT GOTTUSO
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FILED

APR 19 2013

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-37806 LA
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)
11 GO AFFILIATED CAPITAL CORPORATION;) L-2012021102
12 BRIAN RENE LINNEKENS; GEORGE A.)
13 SANTANA; PAUL ARISTIDAS TRIMAKAS;)
and NICHOLAS VINCENT GOTTUSO,)
Respondent.

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 16, 2012, a First Amended Accusation was
filed in this matter against Respondents GO AFFILIATED CAPITAL
CORPORATION.

On March 5, 2013, Respondent petitioned the
Commissioner to voluntarily surrender its real estate corporation
license pursuant to Section 10100.2 of the Business and
Professions Code.

IT IS HEREBY ORDERED that Respondent GO AFFILIATED
CAPITAL CORPORATION's petition for voluntary surrender of its
real estate corporation license is accepted as of the effective
date of this Order as set forth below, based upon the
understanding and agreement expressed in Respondent's Declaration

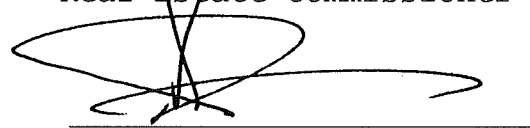
1 dated March 5, 2013 (attached as Exhibit "A" hereto).
2 Respondent's license certificate, pocket card and any branch
3 office license certificate shall be sent to the below listed
4 address so that they reach the Department on or before the
5 effective date of this Order:

6
7 DEPARTMENT OF REAL ESTATE
8 Attn: Licensing Flag Section
9 P. O. Box 187000
10 Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon
12 MAY 09 2013
13 on _____, 2013.

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DATED: April 15, 2013

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner

EXHIBIT A

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation

No. H-37806 LA
No. L-2012021102

GO AFFILIATED CAPITAL)
CORPORATION; BRIAN RENE)
LINNEKENS; GEORGE A. SANTANA;)
PAUL ARISTIDAS TRIMAKAS; and)
NICHOLAS VINCENT GOTTUSO,)
Respondents.)

My name is Nicholas Vincent Gottuso, and I am currently an officer of GO AFFILIATED CAPITAL CORPORATION, which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of GO AFFILIATED CAPITAL CORPORATION.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) GO AFFILIATED CAPITAL CORPORATION 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 GO AFFILIATED CAPITAL CORPORATION, by
2 so voluntarily surrendering its license, can only have it
3 reinstated in accordance with the provisions of Section 11522 of
4 the Government Code. I also understand that by so voluntarily
5 surrendering its license, GO AFFILIATED CAPITAL CORPORATION
6 agrees to the following:

7 The filing of this Declaration shall be deemed as its
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by GO AFFILIATED CAPITAL
10 CORPORATION that, it waives all rights it has to require the
11 Commissioner to prove the allegations contained in the Accusation
12 filed in this matter at a hearing held in accordance with the
13 provisions of the Administrative Procedure Act (Government Code
14 Sections 11400 et seq.), and that it also waives other rights
15 afforded to it in connection with the hearing such as the right
16 to discovery, the right to present evidence in defense of the
17 allegations in the Accusation and the right to cross-examine
18 witnesses.

19 I further agree on behalf of GO AFFILIATED CAPITAL
20 CORPORATION that upon acceptance by the Commissioner, as
21 evidenced by an appropriate order, all affidavits and all
22 relevant evidence obtained by the Department in this matter prior
23 to the Commissioner's acceptance, and all allegations contained
24 in the Accusation filed in the Department Case No. H-37806 LA,
25 may be considered by the Department to be true and correct for
26 the purpose of deciding whether or not to grant reinstatement of
27

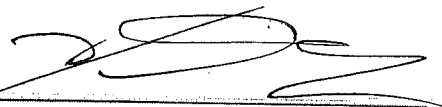
1 GO AFFILIATED CAPITAL CORPORATION's license pursuant to
2 Government Code Section 11522.

3 This Declaration is not an admission by GO AFFILIATED
4 CORPORATION as to the allegations in the Accusation. This
5 Declaration is made for the purpose of reaching a resolution of
6 allegations contained in the DRE Case number H-37806 LA, and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate is a party and shall
9 not otherwise be admissible or relied upon by any third parties
10 for any purpose.

11 A copy of the Commissioner's Criteria of Rehabilitation
12 is attached hereto. If and when a petition application is made
13 for reinstatement of a surrendered license, the Real Estate
14 Commissioner will consider as one of the criteria of
15 rehabilitation, whether or not restitution has been made to any
16 person who has suffered monetary losses through "substantially
17 related" acts or omissions of Respondent(s), whether or not such
18 persons are named in the Accusation filed in this case.
19

20 I declare under penalty of perjury under the laws of
21 the State of California that the above is true and correct and
22 that I am acting freely and voluntarily on behalf of GO
23 AFFILIATED CAPITAL CORPORATION to surrender its license and all
24 license rights attached thereto.

25 DATE: 3/5 2013

26 
27 GO AFFILIATED CAPITAL
CORPORATION
By Nicholas Vincent Gottuso