

Sacto Flas

FILED

APR - 3 2013

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
ALVINA DELOURDES HIZNAY,)	No. H-38285 LA
Respondent.)	2012100658
_____)	

DECISION

This Decision is being issued in accordance with the provisions of California Government Code Section 11520, on evidence of compliance with California Government Code Section 11505 and pursuant to the Order of Default filed on February 28, 2013, 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

1.

On July 18, 2012, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. On July 24, 2012, the Accusation, Statement to Respondent, and Notice of Defense were mailed via certified and regular mail to Respondent's last known mailing address on file with the Department of Real Estate.

On August 30, 2012, Respondent ALVINA DELOURDES HIZNAY ("Respondent") filed a Notice of Defense.

A hearing was scheduled for February 28, 2013. Respondent was duly notified of the hearing. On December 11, 2012 and February 5, 2013, the Notice of Hearing on Accusation was mailed via regular mail to both Respondent and Respondent's

counsel, Margis Matulionis, Esq., as listed on the Notice of Defense.

Respondent failed to appear at the February 28, 2013 hearing. On February 28, 2013, Respondent's default was entered herein.

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, as a real estate broker. Respondent's license expired on September 15, 2012. The Department of Real Estate retains jurisdiction pursuant to California Business and Professions Code Section 10103.

3.

On February 8, 2011, in the Superior Court of California, County of Los Angeles, in case no. 9LT05402, Respondent was convicted of violating of California Vehicle Code Section 23152(b) (driving with a blood alcohol level of 0.08 percent or greater) and California Penal Code Section 148(a)(1) (obstructing a public officer), both misdemeanors.

4.

On September 12, 2011, in the Superior Court of California, County of Los Angeles, in case no. BA383517, Respondent was convicted of violating of California Vehicle Code Section 23152(b) (driving with a blood alcohol level of 0.08 percent or greater), a felony.

5.

In aggravation, on or about September 13, 2002, in the Superior Court of California, County of Los Angeles, in case no. 2CH00453, Respondent was convicted of violating of California Vehicle Code Section 23103 (reckless driving), a misdemeanor.

6.

In aggravation, on or about February 28, 2007, in the Superior Court of California, County of Los Angeles, in case no. 7GN00554, Respondent was convicted of violating of California Vehicle Code Section 23152(b) (driving with a blood alcohol level of 0.08 percent or greater), a misdemeanor.

7.

The evidence established that the crimes of which Respondent was convicted, as described in Paragraphs 3 and 4, are substantially related to the qualifications, functions, and duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

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

2.

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

ORDER

The licenses and license rights of Respondent ALVINA DELOURDES HIZNAY under the provisions of Part I of Division 4 of the California Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon April 23, 2013.

DATED: _____

3/12/2013

REAL ESTATE COMMISSIONER



WAYNE S. BELL

FILED

FEB 28 2013

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

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. **H-38285 LA**
12)
13 ALVINA DELOURDES HIZNAY,) DEFAULT ORDER
14 Respondent.)

15 Respondent ALVINA DELOURDES HIZNAY, filed a Notice
16 of Defense within the time required by Section 11506 of the
17 Government Code. A hearing was set for Thursday, February
18 28, 2013. Respondent was duly notified of the hearing but
19 failed to appear. Respondent is now in default. It is,
20 therefore, ordered that a default be entered on the record in
21 this matter.

22 IT IS SO ORDERED February 28, 2013.

23 Real Estate Commissioner

24 By: *[Signature]*
25 PHILLIP IHDE
26 Regional Manager
27