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FILED

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DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H- 38393 LA
ABEL OCHOA-HERNANDEZ,)	<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 ABEL OCHOA-HERNANDEZ, a.k.a. Abel Hernandez Ochoa or Abel Hernandez or Abel Ochoa ("Respondent"), 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

1 California Business and Professions Code ("Code"), as a real
2 estate salesperson.

3 3.

4 On or about June 13, 2011, in the Superior Court of
5 the State of California, Los Angeles County, in Case No.
6 TA116918, Respondent pled *nolo contendere* and was convicted for
7 violation of Vehicle Code Sections 2800.2(A) (evading a peace
8 officer: reckless driving), a felony, and 23152(A) (driving
9 under the influence of alcohol or drugs), a misdemeanor.
10 Respondent was sentenced to three years probation; 270 days in
11 jail; and ordered to pay fines.

12 4.

13 On or about January 3, 2011, in the Superior Court of
14 the State of California, Los Angeles County, in Case No.
15 OFF03308, Respondent pled *nolo contendere* and was convicted for
16 violation of Vehicle Code Sections 23152(A) (driving under the
17 influence of alcohol or drugs) and 14601.5 (driving while
18 license is suspended or revoked for refusing chemical test or
19 driving with excessive blood alcohol), misdemeanors. For the
20 Vehicle Code Section 23152(A) conviction Respondent was
21 sentenced to 60 months probation, 96 hours in jail (or perform
22 thirteen days of Cal Trans), and ordered to pay fines. In
23 addition, Respondent was ordered to complete an 18-month
24 licensed second-offender alcohol and drug education and
25 counseling program. For the Vehicle Code Section 14601.5(A)
26 conviction, Respondent was sentenced to 36 months probation and
27 ordered to pay fines (or perform ten days Cal Trans).

1 5.

2 On or about May 18, 2010, in the Superior Court of the
3 State of California, San Diego County, in Case No. S238482,
4 Respondent pled guilty and was convicted for violation of
5 Vehicle Code Section 23152(B) (driving under the influence of
6 alcohol or drugs with 0.08% or greater), a misdemeanor, along
7 with the special allegation of Vehicle Code Section 23578 (blood
8 alcohol concentration was 0.15% or greater). Respondent was
9 sentenced to five years probation, ordered to pay fines, ordered
10 to perform ten days of community service, and ordered to
11 complete a nine-month alcohol treatment program and a Mothers
12 Against Drunk Driving program.

13 6.

14 These convictions, by their facts and circumstances,
15 bear a substantial relationship under Section 2910, Title 10,
16 Chapter 6, California Code of Regulations to the qualifications,
17 functions or duties of a real estate licensee.

18 7.

19 The crimes of which Respondent was convicted
20 constitute cause under Sections 490 and 10177(b) of the Code for
21 the suspension or revocation of the license and license rights
22 of Respondent under the Real Estate Law.

23 8.

24 Code Section 10106 provides, in pertinent part, that
25 in any order issued in resolution of a disciplinary proceeding
26 before the Department of Real Estate, the Commissioner may
27 request the administrative law judge to direct a licensee found

1 to have committed a violation of this part to pay a sum not to
2 exceed the reasonable costs of the investigation and enforcement
3 of the case.

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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 licenses and license rights of Respondent(s)
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), for the cost of investigation and
7 enforcement as permitted by law, and for such other and further
8 relief as may be proper under other provisions of law.

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10 Dated at Los Angeles, California.

11 this 6 day of September, 2012.

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14 _____
15 Robin Trujillo
16 Deputy Real Estate Commissioner
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21 cc: ABEL OCHOA-HERNANDEZ
22 Max Res, Inc.
23 Robin Trujillo
24 Sacto.
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