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SEP 03 2013

BUREAU OF REAL ESTATE

BEFORE THE BUREAU OF REAL ESTATE BY

STATE OF CALIFORNIA

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|--------------------------------------|---|----------------|
| In the Matter of the Accusation of ) | ) | No. H-38393 LA |
| ABEL OCHOA-HERNANDEZ, )              | ) |                |
| 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 August 6, 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

I

On September 6, 2012, 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 and regular mail, to Respondent's last known mailing address on file with the Bureau on September 6, 2012.

On August 6, 2013, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

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 (hereinafter "Code") as a real estate salesperson.

III

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

IV

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

V

On or about May 18, 2010, in the Superior Court of the State of California, San Diego County, in Case No. S238482, Respondent pled guilty and was convicted for violation of Vehicle Code Section 23152(B) (driving under

the influence of alcohol or drugs with 0.08% or greater), a misdemeanor, along with the special allegation of Vehicle Code Section 23578 (blood alcohol concentration was 0.15% or greater). Respondent was sentenced to five years probation, ordered to pay fines, ordered to perform ten days of community service, and ordered to complete a nine-month alcohol treatment program and a Mothers Against Drunk Driving program.

VI

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

DETERMINATION OF ISSUES

I

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

II

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

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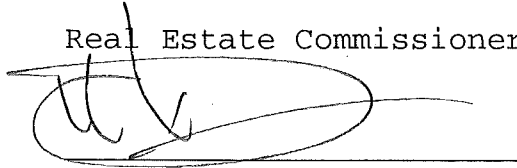
ORDER

The licenses and license rights of Respondent ABEL OCHOA-HERNANDEZ 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  
September 23, 2013.

DATED: A-J-2+ 19, 2013.

Real Estate Commissioner




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

**FILED**

**AUG - 6 2013**

**BUREAU OF REAL ESTATE**

By: 

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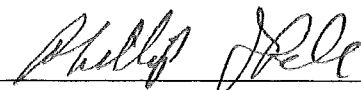
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|--------------------------------------|-----------------------|
| In the Matter of the Accusation of ) | NO. <b>H-38393 LA</b> |
| ABEL OCHOA-HERNANDEZ, )              | <u>DEFAULT ORDER</u>  |
| Respondent. )                        |                       |

Respondent ABEL OCHOA-HERNANDEZ, 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 AUGUST 5, 2013.

WAYNE S. BELL  
Real Estate Commissioner

By:   
PHILLIP IHDE  
Regional Manager