

FILED

JUL 31 2013

BEFORE THE BUREAU OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
BY: 

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
) No. H-38482 LA
VALDOVINOS INCORPORATED,)
doing business as Green Street)
Realty and as Green Street)
Financial; ALFONSO SPINDOLA)
VALDOVINOS, individually, and)
as designated officer for)
Valdovinos Incorporated,)
) Respondents.)
_____)

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 January 22, 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 suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

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 Respondents.

///

///

FINDINGS OF FACT

I

On October 11, 2012, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statements to Respondent, and Notices of Defense were mailed, by certified mail, to the last known mailing addresses of Respondents Valdovinos Incorporated ("VALDOVINOS") and Alfonso Spindola Valdovinos ("ALFONSO") (sometimes referred to collectively as "Respondents") on file with the Bureau on October 18, 2012.

Respondents failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on January 22, 2013.

II

Respondent VALDOVINOS is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate corporation.

III

Respondent ALFONSO is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. ALFONSO is, and at all times relevant herein was, the designated officer of VALDOVINOS.

IV

The evidence established that on or about August 23, 2012, the final judgment of the Superior Court of the State of California, County of Los Angeles, in Case No. BC467822, was entered against VALDOVINOS and ALFONSO based on the ground of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required. Punitive damages in the amount of \$279,000 were awarded against both VALDOVINOS and ALFONSO.

///

The evidence further established that on or about August 19, 2011, Martha Gallardo ("Gallardo") consulted ALFONSO and VALDOVINO with respect to Gallardo's interest in purchasing real estate. On the same date Gallardo executed an offer prepared by ALFONSO for the purchase of the property located at 1104 S. Glenn Alan Avenue, West Covina, California ("Glenn Alan Property"). ALFONSO represented to Gallardo that the Glenn Alan Property was being offered as a short sale for the sales price of \$439,000, and that Gallardo would need to deliver to ALFONSO a down payment equal to 20% of the purchase price in order to complete the purchase.

The evidence established that on or about August 9, 2011, ALFONSO instructed Gallardo to give him a cashier's check made payable to Green Street Financial, a fictitious business name of VALDOVINO, in the amount of 20% of the purchase price of the Glenn Alan Property to be deposited to escrow and used as Gallardo's down payment.

The evidence established that on or about August 30, 2011, in accordance with ALFONSO's earlier instructions to Gallardo, Gallardo gave ALFONSO a cashier's check made payable to Green Street Financial in the amount of \$59,100 as an installment toward the down payment for the purchase of the Glenn Alan Property. Thereafter, Gallardo delivered to ALFONSO additional cashier's checks made payable Green Street Financial for the down payment as follows: (1) on September 6, 2011, a check in the amount of \$10,000; (2) on October 3, 2011, a check in the amount of \$3,000; and (3) on October 11, 2011, a check in the amount of \$7,000.

The evidence established that, thereafter, from October, 2011, to December, 2011, ALFONSO repeatedly represented to Gallardo that her purchase of the Glenn Alan Property would be completed by November or December, 2011, and that Gallardo need not worry.

The evidence established that by January, 2012, ALFONSO stopped telephoning Gallardo or accepting Gallardo's telephone calls to him. When Gallardo went to ALFONSO's office she discovered that ALFONSO had closed his office and moved to an undisclosed location.

///

The evidence established that in or around March, 2012, Gallardo obtained copies from her bank of the cashier's checks she had given to ALFONSO. According to the information on the checks Gallardo discovered that ALFONSO had not deposited any of the checks to an escrow account for the purchase of the Glenn Alan Property. ALFONSO had instead deposited Gallardo's checks into various bank accounts of VALDOVINO.

The evidence established that ALFONSO's representations to Gallardo as alleged were false and fraudulent in that ALFONSO had no intention of depositing any portion of Gallardo's funds into an escrow for the purchase of the Glenn Alan Property. Instead ALFONSO's representations were made with the intent to fraudulently induce Gallardo to give him and VALDOVINO money so as to permit ALFONSO to convert Gallardo's money to his own use and benefit.

The evidence established that despite Gallardo's demand to ALFONSO for the return of the money Gallardo gave to ALFONSO and VALDOVINO, no portion of Gallardo's funds have been returned to her.

DETERMINATION OF ISSUES

I

The facts set forth in Paragraph IV, above, constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondents VALDOVINOS and ALFONSO under the Real Estate Law.

II

The conduct, acts and/or omissions of ALFONSO and VALDOVINO, as described in Paragraph V, above, constitute making a substantial misrepresentation, the making of false promise(s) of a character likely to influence, persuade or induce, and/or fraud or dishonest dealing, and are cause for the suspension or revocation of all real estate licenses and license rights of ALFONSO and VALDOVINO under the provisions of Code Sections 10176(a), 10176(g), and 10176(i).

III

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

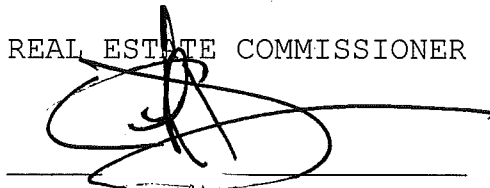
ORDER

The licenses and license rights of Respondents VALDOVINOS INCORPORATED and ALFONSO SPINDOLA VALDOVINOS 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 August 20, 2013

DATED: July 23, 2013.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be 'J. Mason', written over a horizontal line.

By: JEFFREY MASON
Chief Deputy Commissioner

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

FILED

JAN 22 2013

DEPARTMENT OF REAL ESTATE

BY: 

6 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * *

10 In the Matter of the Accusation of)
11 VALDOVINOS INCORPORATED, doing)
12 business as Green Street Realty)
13 and as Green Street Financial;)
14 and ALFONSO SPINDOLA VALDOVINOS,)
15 individually, and as designated)
16 officer for Valdovinos)
17 Incorporated,)
18 Respondents.)

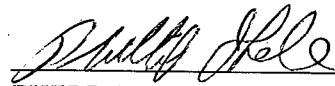
NO. H-38482 LA

DEFAULT ORDER

17 Respondents, VALDOVINOS INCORPORATED and ALFONSO
18 SPINDOLA VALDOVINOS, having failed to file a Notice of Defense
19 within the time required by Section 11506 of the Government
20 Code, are now in default. It is, therefore, ordered that a
21 default be entered on the record in this matter.

23 IT IS SO ORDERED January 22, 2013.

24 Real Estate Commissioner

25
26 
27 By: PHILLIP IHDE

Regional Manager