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FILED

APR 14 2015

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU¹ OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
EDWIN ACEVEDO,)
Respondent.)

BRE No. H-38986 LA
OAH No. 2013090333

DECISION AFTER REJECTION

This matter came on for hearing before Gloria A. Barrios, Administrative Law Judge of the Office of Administrative Hearings (ALJ), in Los Angeles, California, on August 27, 2014.

James Demus, Staff Counsel, represented Robin Trujillo, Deputy Real Estate Commissioner of the State of California (Complainant).

EDWIN ACEVEDO ("Respondent") was present at hearing and represented himself.

Oral and documentary evidence was received and the matter was submitted for decision on August 27, 2014.

¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All references to the agency in this Decision After Rejection are to the successor "Bureau."

1 On October 3, 2014, the ALJ rendered a Proposed Decision, which I declined to
2 adopt as my Decision herein. Pursuant to Section 11517(c) of the Government Code of the
3 State of California, Respondent was served with notice of my determination not to adopt the
4 Proposed Decision of the ALJ along with a copy of said Proposed Decision. Respondent was
5 notified that I would decide the case upon the record, the transcript of proceedings held on
6 August 27, 2014, and upon any written argument offered by Respondent and Complainant.
7 Complainant submitted further written argument. William G. Cort, Esq., Respondent's
8 attorney, submitted further argument on behalf of Respondent. I have given careful
9 consideration to the record in this case including the transcript of the proceedings of August 27,
10 2014. I have also considered the arguments submitted by Complainant and Respondent. The
11 following shall constitute the Decision of the Real Estate Commissioner ("Commissioner") in
12 this proceeding:

13 FACTUAL FINDINGS

14 The Factual Findings of the ALJ's Proposed Decision in this matter, dated
15 October 3, 2014, are hereby adopted.

16 LEGAL CONCLUSIONS AND DISCUSSION

17 The Legal Conclusions and Discussion of the ALJ's Proposed Decision in this
18 matter, dated October 3, 2014, are hereby adopted.

19 ORDER

20 The Order in the Proposed Decision dated October 3, 2014, is hereby adopted,
21 with the addition of the continuing education requirement which is now set forth as Paragraph 6
22 of the Order in the Proposed Decision. The Order shall therefore be as follows:

23 All licenses and license rights of Respondent EDWIN ACEVEDO under the Real
24 Estate Law are revoked; provided however, a restricted real estate sales license shall be issued to
25 EDWIN ACEVEDO pursuant to Section 10156.5 of the Business and Professions Code if
26 Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee
27 for the restricted license within 90 days from the effective date of this Decision. The restricted

1 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
2 Business and Professions Code and to the following limitations, conditions and restrictions
3 imposed under authority of Section 10156.6 of that Code:

4 1. The license shall not confer any property right in the privileges to be exercised,
5 and the Commissioner may by appropriate order suspend the right to exercise any privileges
6 granted under this restricted in the event of:

7 (a) The conviction of Respondent (including a plea of nolo contendere) of a
8 crime which is substantially related to Respondent's fitness or capacity as a real estate licensee;
9 or

10 (b) The receipt of evidence that Respondent has violated provisions of the
11 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
12 Commissioner or conditions attaching to the restricted license.

13 2. Respondent shall not be eligible to apply for the issuance of an unrestricted
14 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
15 restricted license until two years have elapsed from the effective date of this Decision.

16 3. Respondent shall submit with any application for license under an employing
17 broker, or any application for transfer to a new employing broker, a statement signed by the
18 prospective employing real estate broker on a RE 552 (Rev. 4/88) approved by the Bureau, which
19 shall certify as follows:

20 (a) That the employing broker has read the Decision which is the basis for the
21 issuance of the restricted license; and

22 (b) That the employing broker will carefully review all transaction documents
23 prepared by the restricted licensee and otherwise exercise close supervision over the licensee's
24 performance of acts for which a license is required.

25 4. Respondent shall notify the Commissioner in writing within 72 hours of any
26 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, P.O. Box
27 137007, Sacramento, California 95813-7007. The letter shall set forth the date of Respondent's

1 arrest, the crime for which Respondent was arrested and the name and address of the arresting
2 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
3 independent violation of the terms of the restricted license and shall be grounds for the
4 suspension or revocation of that license.

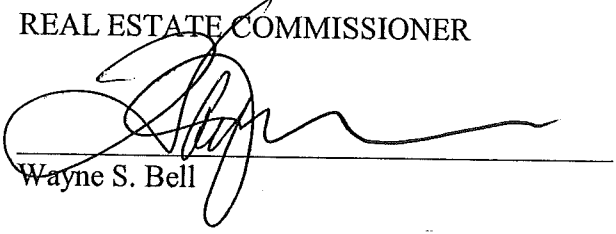
5 5. Respondent shall pay the Bureau \$584.05 as costs of investigation and
6 enforcement of this action. Repayment of the costs shall be on such terms and conditions as
7 Respondent and the Bureau or the Bureau's designee shall arrange, but Respondent shall not be
8 eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any
9 of the conditions, limitations or restrictions of a restricted license until all such costs have been
10 paid.

11 6. Respondent shall, within nine (9) months from the effective date of this
12 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most
13 recent issuance of an original or renewal real estate salesperson license, taken and successfully
14 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
15 Law for renewal of a real estate salesperson license. If Respondent fails to satisfy this condition,
16 the Commissioner may order the suspension of the restricted license until Respondent presents
17 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
18 pursuant to the APA to present such evidence.

19 This Decision shall become effective at 12 o'clock noon on MAY 05 2015,
20 2015.

21 IT IS SO ORDERED April 10, 2015.

22 REAL ESTATE COMMISSIONER

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24 
25 Wayne S. Bell
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