

1 Bureau of Real Estate
1651 Exposition Blvd.
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

FILED

JUL 17 2015

BUREAU OF REAL ESTATE

By 

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H-39405 LA
12 EZ PROCESSING, INC. and) OAH No. 2014050165
13 JORGE ROQUE ALMAGUER,)
14 individually and as designated)
15 officer of EZ PROCESSING, INC.,)
Respondents.)

16 ORDER DENYING RECONSIDERATION

17 On June 1, 2015, a Decision was rendered in the above-entitled matter. Said
18 Decision was to become effective on June 29, 2015, and was stayed by separate order to July
19 29, 2015.

20 On July 2, 2015, Respondent petitioned for reconsideration of the Decision of
21 June 1, 2015.

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I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of June 1, 2015, and reconsideration is hereby denied.

Therefore, the Decision of the Real Estate Commissioner of June 1, 2015, shall become effective at 12 o'clock noon on July 29, 2015.

IT IS SO ORDERED 7/9/2015
REAL ESTATE COMMISSIONER



Wayne S. Bell

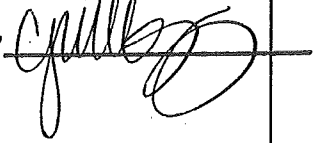
cc: Jorge Roque Almaguer
Rizza Gonzales, Esq.

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JUN 23 2015

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-39405 LA
)	OAH No. 2014050165
EZ PROCESSING, INC. and)	
<u>JORGE ROQUE ALMAGUER,</u>)	
individually and as designated)	
officer of EZ PROCESSING, INC.,)	
)	
Respondents.)	
)	

ORDER STAYING EFFECTIVE DATE

On June 1, 2015, a Decision after Rejection, as to Respondent JORGE ROQUE ALMAGUER only, was rendered in the above-entitled matter to become effective June 29, 2015.

IT IS HEREBY ORDERED that the effective date of the Decision of June 29, 2015, as to Respondent JORGE ROQUE ALMAGUER only, is stayed for a period of 30 days to allow Respondent JORGE ROQUE ALMAGUER to file a petition for reconsideration.

The Decision of June 29, 2015, as to JORGE ROQUE ALMAGUER only, shall become effective at 12 o'clock noon on July 29, 2015.

DATED: JUNE 23, 2015

Real Estate Commissioner

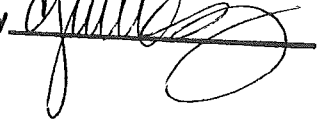


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FILED

JUN - 9 2015

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	Case No. H-39405 LA
)	OAH No. 2014050165
EZ PROCESSING, INC., and JORGE)	
ROQUE ALMAGUER, individually, and)	
as the designated officer of EZ PROCESSING,)	
INC.,)	
)	
Respondents.)	
)	

DECISION AFTER REJECTION

Eric Sawyer, Administrative Law Judge (“ALJ”) Office of Administrative Hearings, State of California, heard this matter on December 4, 2014, in Los Angeles, California.

Lissete Garcia, Staff Counsel, represented Maria Suarez (“Complainant”), Deputy Real Estate Commissioner in the Bureau of Real Estate (“Bureau”).

EZ Processing, Inc. (“EZPI”) and Jorge Roque Almaguer (“ALMAGUER”) (collectively “Respondents”) were represented by Rizza D. Gonzales, Esq. ALMAGUER appeared personally.

Oral and documentary evidence was received, and the matter was submitted for Decision on December 4, 2014. On December 19, 2014, the ALJ issued a Proposed Decision which I declined to adopt as my Decision herein.

1 Pursuant to Section 11517(c) of the Government Code of the State of California,
2 Respondents were served with notice of my determination not to adopt the Proposed Decision of the
3 ALJ along with a copy of said Proposed Decision. Respondents were notified that I would decide the
4 case upon the record, the transcript of proceedings held on December 4, 2014, and upon any written
5 argument offered by Respondents and Complainant. Complainant and ALMAGUER submitted
6 arguments.

7 I have given careful consideration to the record in this case, including the transcript of
8 proceedings of December 4, 2014. I have also considered the arguments submitted by Complainant
9 and ALMAGUER. The following shall constitute the Decision of the Real Estate Commissioner
10 (“Commissioner”) in this proceeding:

11 FACTUAL FINDINGS

12 The Factual Findings of the ALJ’s Proposed Decision in this matter, dated December
13 19, 2014, are hereby adopted.

14 LEGAL CONCLUSIONS AND DISCUSSION

15 The Conclusions of Law in the Proposed Decision dated December 19, 2014, are
16 hereby adopted, with the exception of the conclusions in Paragraph 5. A more substantial discipline is
17 warranted for ALMAGUER in light of his failure to exercise supervision and control over the
18 activities of EZPI despite repeated notifications from the Bureau that EZPI continued to engage in
19 unlicensed conduct by soliciting mortgage loan processing business without a mortgage loan
20 origination endorsement to its broker license.

21 ORDER

22
23 I. All licenses and licensing rights of Respondent EZ PROCESSING, INC. under the
24 Real Estate Law are revoked.

25 II. All licenses and licensing rights of Respondent JORGE ROQUE ALMAGUER
26 under the Real Estate Law are revoked; provided, however, a restricted real estate sales license shall
27 be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code (“Code”) if

1 Respondent makes application therefor and pays to the Bureau the appropriate fee for the restricted
2 license within 90 days from the effective date of this Decision.

3 The restricted license issued to Respondent ALMAGUER shall be subject to all of the
4 provisions of Section 10156.7 of the Code and to the following conditions, limitations and restrictions
5 imposed under the authority of Section 10156.6 of the Code:

6 A. The restricted license issued to Respondent ALMAGUER may be suspended prior
7 to hearing by Order of the Commissioner in the event of Respondent ALMAGUER's conviction or
8 plea of nolo contendere to a crime which is substantially related to Respondent's ALMAGUER's
9 fitness or capacity as a real estate licensee.

10 B. The restricted license issued to Respondent may be suspended prior to hearing by
11 order of the Commissioner on evidence satisfactory to the Commissioner that Respondent
12 ALMAGUER has violated provisions of the Real Estate law, the Subdivided Lands Law, Regulations
13 of the Real Estate Commissioner or conditions attaching to the restricted license.

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

17 D. Respondent shall submit with any application for license under an employing
18 broker, or any application for transfer to a new employing broker, a statement signed by the
19 prospective employing real estate broker, on a form approved by the Bureau, which shall certify:

20 (1) That the employing broker has read the Decision of the Commissioner which
21 granted the right to a restricted license; and

22 (2) That the employing broker will exercise close supervision over the performance
23 by the restricted licensee relating to activities for which a real estate salesperson license is required.

24 E. Respondent ALMAGUER shall, within nine (9) months from the effective date of
25 this Decision, present evidence satisfactory to the Commissioner that Respondent ALMAGUER has,
26 since the most recent issuance of an original or renewal real estate license, taken and successfully
27 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law

1 for renewal of a real estate license. If Respondent ALMAGUER fails to satisfy this condition, the
2 Commissioner may order the suspension of the restricted license until Respondent ALMAGUER
3 presents such evidence. The Commissioner shall afford Respondent ALMAGUER the opportunity for
4 a hearing pursuant to the APA to present such evidence.

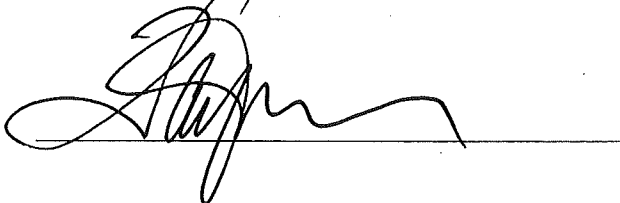
5 3. Within 30 days of the effective date of this Decision, Respondent JORGE ROQUE
6 ALMAGUER shall pay monetary penalties in the amount of \$1,500 to the Bureau of Real Estate.

7 4. Within 30 days of the effective date of this Decision, Respondents JORGE ROQUE
8 ALMAGUER and EZ PROCESSING, INC. jointly and severally, shall pay costs in an amount totaling
9 \$1,659.90 to the Bureau of Real Estate.

10 This Decision shall become effective at 12 o'clock noon on JUN 29 2015

11 IT IS SO ORDERED 6/1/2015.

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13 WAYNE S. BELL
14 REAL ESTATE COMMISSIONER

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