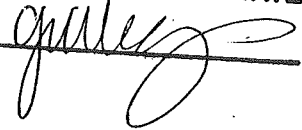


FILED

NOV 18 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of	)	
	)	BRE no. H-39429 LA
PETER RAYMOND QUESADA,	)	OAH no. 2014051031
	)	
	)	STIPULATION AND WAIVER;
Respondent.	)	DECISION AFTER REJECTION
	)	

The California Bureau of Real Estate ("Bureau") filed a Statement of Issues against PETER RAYMOND QUESADA ("Respondent") on April 25, 2014. On August 7, 2014, a hearing was held and evidence was received; the case was deemed submitted that same day.

On August 18, 2014, the Proposed Decision of the Administrative Law Judge ("ALJ") Richard J. Lopez was issued, and determined, among other things, that Respondent's application for an unrestricted real estate salesperson license should be denied; provided, however, Respondent shall be issued a restricted salesperson license by the Real Estate Commissioner pursuant to California Business and Professions Code sections 10156.7 and 10156.6.

On September 17, 2014, the Commissioner rejected the Proposed Decision of August 18, 2014.

1 The parties wish to settle this matter without further proceedings.

2 IT IS HEREBY STIPULATED by and between Respondent, PETER RAYMOND
3 QUESADA, represented by David M. Philips, and the Bureau, acting by and through Diane Lee,
4 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the
5 Statement of Issues filed by the Bureau.

6 1. It is understood by the parties that the Real Estate Commissioner may adopt
7 the Stipulation and Waiver and Decision After Rejection as his decision in this matter, thereby
8 imposing the restrictions on Respondent's application for a real estate salesperson license as set
9 forth in the below "Decision and Order." In the event the Commissioner in his discretion does
10 not adopt the Stipulation, the Stipulation shall be void and of no effect; the Commissioner will
11 review the transcript and the evidence in the case, and will issue his Decision after Rejection as
12 his Decision in this matter.

13 2. By reason of the foregoing and solely for the purpose of settlement of the
14 Statement of Issues without further administrative proceedings, it is stipulated and agreed that the
15 following shall be adopted as the Commissioner's Decision:

16
17 FACTUAL FINDINGS

18 Parties

19 1. Complainant Veronica Kilpatrick, a Deputy Real Estate Commissioner of the
20 State of California, brought the Statement of Issues in her official capacity.

21 2. On March 21, 2013, Respondent made application to the Bureau of Real Estate
22 of the State of California for a real estate salesperson license.

23 Procedure

24 3. The Bureau denied the application. Respondent timely requested a hearing.
25 These proceedings are brought under the provisions of section 10100, Division 4 of the Business
26 and Professions Code of the State of California and Government Code sections 11500 through
27 11528. All jurisdictional pre-hearing requirements have been met by the parties.

1 *Criminal Convictions*

2 4. During his teen years, Respondent developed self-destructive habits of abusing
3 legal but regulated substances (tobacco and alcohol) and abusing illegal and dangerous
4 substances (marijuana and methamphetamine).¹ The self-destructive habits lead directly to the
5 crimes set forth in Findings 6, 7, and 8 and indirectly to the misdemeanor set forth in Finding 5.

6 5. On October 2, 2008, in the Superior Court of California, County of Riverside,
7 Case No. RIM516943, Respondent was convicted of violating California Penal Code section
8 261.5 (sex with a minor not greater than three years older or younger), a misdemeanor.
9 Respondent was then 19 and the minor, his then girlfriend, was 16. The misdemeanor—as part
10 of a pattern of criminal conduct that follows—bears a substantial relationship to the
11 qualifications, functions, or duties of a real estate licensee under California Code of Regulations,
12 title 10, section 2910.

13 6. On February 4, 2009, in the Superior Court of California, County of Riverside,
14 Case No. RIF147098, Respondent was convicted of violating California Health and Safety Code
15 section 11377, subdivision (a) (possession of a controlled substance, to wit: methamphetamine),
16 a misdemeanor and Penal Code section 12020, subdivision (a)(1) (unlawful manufacture and
17 possession of a dangerous weapon, to wit: butterfly knife), a felony. The crimes bear a
18 substantial relationship to the qualifications, functions, or duties of a real estate license under
19 California Code of Regulations, title 10, section 2910.

20 7. On April 21, 2009, in the Superior Court of California, County of Riverside,
21 Case No. RIF149718, Respondent was convicted of violating California Health and Safety Code
22 section 11377, subdivision (a) (possession of a controlled substance, to wit: methamphetamine),
23 a felony, and California Vehicle Code section 2800.1(a) (evading a peace officer), a
24 misdemeanor. The crimes bear a substantial relationship to the qualifications, functions, or
25

26 ¹ Marijuana and methamphetamine are classified as dangerous drugs subject to
27 high abuse by the United States Federal Government and by the State of
California.

1 duties of a real estate license under California Code of Regulations, title 10, section 2910.

2 8. On November 18, 2010, in the Superior Court of California, County of
3 Riverside, Case No. RIF10004517, Respondent was convicted of violating California Penal Code
4 section 496, subdivision (a) (receiving stolen property), a felony and 466 (possession of burglary
5 tools), a felony, and California Health and Safety Code section 11364 (possession of controlled
6 substance paraphernalia), a felony. The crimes bear a substantial relationship to the
7 qualifications, functions, or duties of a real estate license under California Code of Regulations,
8 title 10, section 2910.

9 Mitigation

10 9. During the times of his crimes Respondent was a youth (aged 20 in 2008 and
11 aged 22 in 2010). He was because of his sociopathic conduct, alienated from friends and family
12 and became for a time homeless. He sustained himself by searching for sustenance in dumpsters.
13 His then youth and then desperation do not excuse his criminal conduct but do mitigate same.

14 Rehabilitation, Character, and Fitness

15 10. As a part of his criminal sanctions Respondent was mandated by the Court to
16 take and complete a six-month drug and substance abuse/treatment program under the aegis of
17 the Riverside Substance Abuse Program (R-SAP) and submit to chemical tests of blood, saliva,
18 breath and urine.

19 11. Respondent enrolled in R-SAP in January 2011 and successfully completed
20 the program, ending in July 2011. Respondent tested negative on all chemical tests.

21 12. Respondent did complete all court ordered probation, jail time, and mandated
22 sanctions with regard to all convictions. He has suffered no subsequent conviction and he is,
23 presently, in conformity to the norms and rules of civil society.

24 13. Respondent is presently clean and sober and has been so since 2010, the time
25 of his last conviction. To sustain his sobriety he attends 12-step meetings: two meetings of
26 Narcotics Anonymous per week and one meeting of Alcoholics Anonymous per week. He has
27 long since reunited with family and friends who now form a strong support group.

1 14. Significant change occurred in Respondent's life last year when he married
2 Angela, his now wife, and he became a father to Noah, Respondent's and Angela's 10 month old
3 infant son. Respondent, by virtue of his employment described in Finding 17 provides full
4 financial support to the family unit. Respondent has stability of family life and fulfills all
5 familial and parental duties. Both of Respondent's parents and Angela accompanied Respondent
6 to the hearing for familial support.

7 15. Two real estate brokers—his current employer Jared Jones and his former
8 employer Guiseppi Cusumano—with knowledge of Respondent's present character and criminal
9 past proffered credible testimony on Respondent's behalf. Both credibly opined that Respondent
10 is honest, ethical, and trustworthy.

11 16. Respondent was employed by Mr. Cusumano, owner of Pro-One Investments
12 subsequent to his last conviction, as a personal assistant for two years. His credible testimony
13 included the following:

14 Peter Quesada worked for me for two years, as a Personal Assistant to me, in
15 my Real Estate / Mortgage Business, here in Riverside. His duties included:
16 answering phones, doing research, telemarketing, preparation & mailing of
17 marketing letters, flyers & promotional items and maintaining excel spread
18 sheets. Along with these in office duties. He would accompany me on both
listing/ buyer presentations, & other appointments required. During the
process of buying or selling a home.

19 Peter also showed personal initiative by studying & passing his Real Estate
20 principles course. This is a requirement that must be completed, prior to
21 taking your Real Estate Agent licensing exam. He also passed his Real Estate
22 licensing exam. In closing I would like to say I am in full support of the
expungement of Peter's prior record. He has become a positive member of
society & I have no doubt, he will continue to grow and be active within the
community.

23 To give you some background on myself. I have been in Real Estate business
24 since the early 90's. During that time I have served as President of the Inland
25 Valley Association Realtors, Director for California Association of Realtors, a
26 Member of the Processional Standards Committee at the board, a Member of
the Riverside County Real Estate Fraud Advisory Team and Chair for the last
27 3 years of California Regional Multiple Listing Service, the largest Multiple
Listing Service in the country.

1 17. Respondent is presently employed by Mr. Jones, owner of Jones Investment
2 Group. His credible testimony included the following:

3 My name is Jared Jones, I have known Peter Quesada for the last two years
4 and he has been in my employ for the last nineteen months. . . .

5 Before I hired Peter he came to me and was upfront with me about his past life
6 and disclosed his crimes and transgressions to me. I personally choose to give
7 others the chance to prove themselves to me no matter their past and in this
8 instance I am pleased that I took that line of action. Peter has been a great
9 addition to my company and has helped my business to grow. I consider Peter
10 my most dependable employee and have grown to like and trust him very
11 much. Peter's Responsibilities at my office include the following: finding and
12 valuating property to purchase, inspecting property to estimate rehabilitation
13 expenses, relationship management with our agents, managing property
procurement specialist, reviewing our ability to purchase and resale property
successfully. All of the tasks that Peter performs require great diligence and
an extremely high level of trust. Peter manages property transactions that total
millions of dollars and I am pleased to say that he has earned the trust required
to have a high level of autonomy in these transactions.

14 In summary Peter has earned my trust over the period of his employment by
15 consistently making good decisions, being honest when he has made mistakes,
16 consistently showing up on time, being honest on the smallest of details and
17 treating everyone with a high level of respect. I have found Peter to have a
high level of integrity and would recommend him based on his character to
fulfill any responsibility requiring any sort of trust.

18 18. A number of family members and friends familiar with Respondent's
19 convictions and with his subsequent and productive present proffered character testimony on
20 Respondent's behalf. The following is a credible exemplar of the testimony:

21 My name is Raymond Valterria . . . I have known Peter's family for nearly 40
22 years and I am Peter's godfather.

23 I have spent many hours, days and weekends with Peter and his family during
24 birthday parties, barbeques and camping trips, and feel I have a fair knowledge
25 of Peter's basic personality traits. Both his parents are hard-working and law-
26 abiding people, and have taught Peter and his sibling to be God fearing,
respectable, honest, trustworthy, and responsible. Apart from a recent, brief
period in his life when he participated in substance abuse, ultimately resulting
in his incarceration, Peter's fundamental character traits have remained

1 persistent.

2 Due to Peter's determination, spirituality, and the support of his family, he has
3 recovered from this setback. He has shown sincere remorse for his lack of
4 good judgment and displays a desire to share his experience with others so that
5 they may learn from his mistakes. He has reached out to the community by
6 volunteering to speak twice a week at local alcoholic Anonymous and drug
7 abuse programs. He has also shared his testimony with his church's youth
8 groups. Peter has been involved in the real estate business for over two years
9 (he has passed California's state exam), and has been continuously employed
10 with "Jones and Company Realty" in the City of Riverside as a broker's
11 assistant for the past year.

12 For your information, as of July 2012, I retired after 25 years of employment
13 with the Riverside County Sheriff's Department, assigned to the Corrections
14 Division. Having worked through the ranks of line-level staff to the position
15 of management, all within Corrections, I believe I have an above average
16 knowledge of the hardships and peer pressure many young adults experience
17 that often result in incarceration and recidivism of many. Peter has met and
18 overcome these challenges and obstacles, and continues to move forward in
19 his life with a positive attitude and strong desire to succeed. I strongly believe
20 Peter has learned from his mistakes and will continue to be productive and a
21 positive influence on others.

22 19. Respondent's testimony on his own behalf was open, honest, candid, and
23 credible. As was demonstrated by his demeanor, he is remorseful for his past criminal conduct
24 and that remorse persists. As part of his reformation he has returned to his Catholic Faith and
25 embraced same. Along with members of his family he is a regular attendee of St. Catherine's
26 Catholic Church in Riverside. Respondent's reformation (change in attitude) was evidenced by
27 his testimony and the testimony of others (Findings 16, 17, and 18).

28 20. At present, Respondent is professionally and socially responsible, and he is,
29 now, a person of good character.

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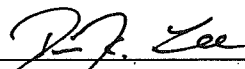
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1 (b) That the employing broker will carefully review all transaction documents
2 prepared by the restricted licensee and otherwise exercise close
3 supervision over the licensee's performance of acts for which a license is
4 required.

5 4. Respondent shall notify the Commissioner in writing within 72 hours of any
6 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
7 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
8 arrest, the crime for which Respondent was arrested, and the name and address of the arresting
9 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
10 independent violation of the terms of the restricted license and shall be grounds for the
11 suspension or revocation of that license.

12 10/29/2014
13 DATED

13 
DIANE LEE, Counsel
14 BUREAU OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Waiver and Decision after Rejection, and its terms
17 are understood by me and are agreeable and acceptable to me. I willingly and voluntarily agree
18 to enter into this Stipulation and Waiver and Decision after Rejection.

19 ///

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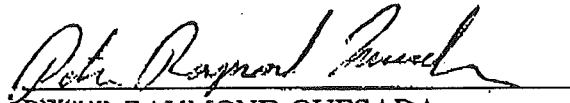
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27 ///

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver and Decision after Rejection by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and Waiver and Decision After Rejection, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver and Decision After Rejection.

10 27 14

DATED



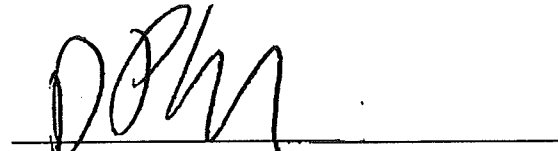
PETER RAYMOND QUESADA

Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

October 27, 2014

DATED



DAVID M. PHILIPS

Attorney for Respondent

* * *

The foregoing Stipulation and Waiver and Decision After Rejection is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on

IT IS SO ORDERED

REAL ESTATE COMMISSIONER

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver and Decision after Rejection by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and Waiver and Decision After Rejection, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver and Decision After Rejection.

DATED

PETER RAYMOND QUESADA
Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

DATED

DAVID M. PHILIPS
Attorney for Respondent

* * *

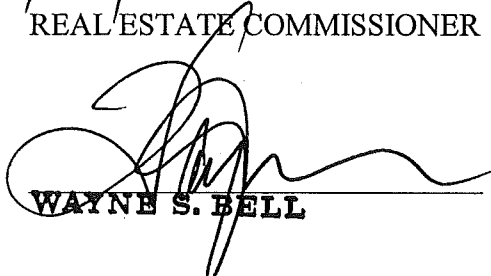
The foregoing Stipulation and Waiver and Decision After Rejection is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on

DEC - 8 2014

IT IS SO ORDERED

11/12/2014

REAL ESTATE COMMISSIONER


WAYNE S. BELL