

FILED

AUG 28 2014

BUREAU OF REAL ESTATE

By *gjulles*

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FLAG

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

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|----|---------------------------------------|----------------------------|
| 11 | In the Matter of the Application of) | No. H-39458 LA |
| 12 | ANGEL PINEDA, JR.,) | <u>SECOND AMENDED</u> |
| 13 | Respondent.) | <u>STATEMENT OF ISSUES</u> |
| 14 | _____) | |

15 This Second Amended Statement of Issues amends the
16 First Amended Statement of Issues filed on August 12, 2014. The
17 Complainant, Maria Suarez, a Deputy Real Estate Commissioner of
18 the State of California, acting in her official capacity, for
19 Statement of Issues against ANGEL PINEDA, JR. aka Angel Pineda
20 ("Respondent") alleges as follows:

21 1.

22 On or about August 6, 2012, Respondent made
23 application to the Bureau of Real Estate of the State of
24 California for a real estate broker license.

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1 (CRIMINAL CONVICTIONS)

2 2.

3 On or about October 18, 2007, in the Superior Court of
4 California, County of Los Angeles, Case No. 7JB05000, Respondent
5 was convicted of violating California Penal Code section
6 245(e)(1) (battery on spouse or co-habitant), a misdemeanor.
7 Said crime bears a substantial relationship to the
8 qualifications, functions, or duties of a real estate licensee
9 under Section 2910, Title 10, Chapter 6, California Code of
10 Regulations.

11 3.

12 On or about May 21, 2008, in the Superior Court of
13 California, County of Los Angeles, Case No. 8PS66577, Respondent
14 was convicted of violating California Penal Code section
15 243(e)(1) (battery on spouse or co-habitant), a misdemeanor.
16 Said crime bears a substantial relationship to the
17 qualifications, functions, or duties of a real estate licensee
18 under Section 2910, Title 10, Chapter 6, California Code of
19 Regulations.

20 4.

21 On or about December 17, 2010, in the Superior Court
22 of California, County of Los Angeles, California, Case No.
23 OPS02485, Respondent was convicted of violating California
24 Vehicle Code section 23103 (reckless driving), a misdemeanor.
25 Said crime bears a substantial relationship to the
26 qualifications, functions, or duties of a real estate licensee
27

1 under Section 2910, Title 10, Chapter 6, California Code of
2 Regulations.

3 5.

4 The crimes of which Respondent was convicted as
5 alleged in Paragraphs 2 through 4, above, constitute cause for
6 denial of Respondent's application for a real estate license
7 under California Business and Professions Code sections
8 475(a)(2), 480(a), and 10177(b).

9
10 (VIOLATION OF REAL ESTATE LAW)

11 6.

12 On or about November 7, 2013, in case no. H-39146 LA,
13 the Real Estate Commissioner issued an Order to Desist and
14 Refrain (the "Order") against Respondent for violations of
15 California Business and Professions Code sections 10085.5,
16 10130, 10131(d), and 10131.2, effectively immediately. As more
17 fully set forth in the Order, Respondent operated an unlicensed
18 loan modification business, Home Affordable Solutions, LLC, that
19 collected advance fees from consumers by offering to obtain a
20 modification of the homeowners' home mortgage loans.

21 7.

22 On or about November 7, 2013 and November 25, 2013,
23 Respondent was served with the Order. Respondent did not file a
24 request for hearing within 30 days after service of the Order as
25 provided in California Business and Professions Code section
26 10086(b).

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8.

Respondent's conduct as described in Paragraph 6, above, constitutes grounds for denial of the issuance of a license under California Business and Professions Code sections 10177(d), 10177(f), and/or 10177(j).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate broker license to Respondent, ANGEL PINEDA, JR., and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California: August 21st, 2014.



Maria Suarez
Deputy Real Estate Commissioner

cc: ANGEL PINEDA, JR.
James Victor Kosnett, Esq.
Maria Suarez
Sacto