

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NOW, THEREFORE, IT IS ORDERED that the Decision of May 25, 2017 is vacated and that the Matter of the Accusation filed on February 16, 2017, is remanded to the Office of Administrative Hearings.

This Order shall be effective immediately.

DATED: 6/9/17.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
DANIEL J. SANDRI
Chief Deputy Commissioner

FILED

MAY 25 2017

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

*** * ***

In the Matter of the Accusation of)	CalBRE No. H-40549 LA
)	
SILVESTRE MEDEL,)	
)	
Respondent(s).)	

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 April 7, 2017, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

Pursuant to Government Code section 11521, the Bureau of Real Estate, of the State of California (hereinafter "the Bureau") may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On January 30, 2017, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the Bureau. On February 16, 2017, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Bureau.

2.

On April 7, 2017, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent SILVESTRE MEDEL (“hereinafter “Respondent”) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein “the Code”) as a real estate salesperson since February 14, 2007, BRE license ID 01782189. Respondent’s license will expire on March 9, 2019. From July 29, 2014 to February 13, 2015 and from March 10, 2015 to March 16, 2015, Respondent was employed by real estate corporation R M E G Realty Incorporated, BRE license ID 01525011. From March 17, 2015 to October 15, 2015, Respondent was employed by Excellence R E Real Estate Inc., BRE license ID 01914184. From October 16, 2015 to October 9, 2016, Respondent was employed by real estate broker Alfonso Guerrero, BRE license ID 01846543. From October 10, 2016 to and including the present, Respondent is employed by MAXRES Inc., BRE license ID 01280965.

4.

To date, the Bureau of Real Estate has incurred costs totaling \$2,055.00 in its investigation and enforcement of Case No. H-40549 LA.

5.

Attached as Exhibit “A” is a true and correct copy of the Accusation filed February 16, 2017, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent SILVESTRE MEDEL, as set forth above, are cause for the suspension or revocation of the license and license rights of Respondent pursuant to Code Sections 10130, 10137, 10176(a), 10176(i), 10177(d), 10177(j), 10145(c), and 10159.5 and Regulation 2731.

2.

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

///

///

///

///

///

ORDER

All licenses and licensing rights of Respondent SILVESTRE MEDEL 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 on JUN 14 2017.

DATED: 5/18/17.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: *Daniel J. Sandri*
DANIEL J. SANDRI
Chief Deputy Commissioner

1 Bureau of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

4 (213) 576-6916

FILED

APR 07 2017

BUREAU OF REAL ESTATE

By R. P. 8800

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

CalBRE NO. *H-40549 LA*

12 SILVESTRE MEDEL,)

DEFAULT ORDER

13 Respondent.)

14)
15)
16 Respondent SILVESTRE MEDEL, having failed to file a Notice of Defense
17 within the time required by Section 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED

April 6, 2017

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

22
23 By:

Dolores Ramos
24 DOLORES RAMOS
25 Regional Manager
26
27