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FILED

UCL 10 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-40687 LA
ARMANDO D LA CUBA,)
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 23, 2017, an Accusation was filed in this matter against Respondent ARMANDO D LA CUBA ("Respondent").

On September 8, 2017, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent ARMANDO D LA CUBA's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated September 8, 2017, (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below-listed address so that they reach the Bureau on or before the effective date of this Order:

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BUREAU OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on _____

OCT 30 2017

DATED: 9/27/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER

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

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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-40687 LA
12)
13 ARMANDO D LA CUBA,)
14 Respondent.)

15 DECLARATION

16 My name is ARMANDO D LA CUBA, and I am currently licensed as a real estate
17 broker and/or have license rights with respect to said license. I am representing myself in this
18 matter.

19 In lieu of proceeding in this matter in accordance with the provisions of the
20 Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to
21 voluntarily surrender my real estate license(s) issued by the Bureau of Real Estate ("Bureau"),
22 pursuant to Business and Professions Code Section 10100.2.

23 I understand that by so voluntarily surrendering my license(s), I may be relicensed
24 as a broker or a salesperson, or issued a new mortgage loan originator endorsement, only by
25 petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also
26 understand that by so voluntarily surrendering my license(s), I agree to the following:

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1 1. The filing of this Declaration shall be deemed as my petition for voluntary
2 surrender.

3 2. It shall also be deemed to be an understanding and agreement by me that I
4 waive all rights I have to require the Commissioner to prove the allegations contained in the
5 Accusation filed in this matter at a hearing held in accordance with the provisions of the
6 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive
7 other rights afforded to me in connection with the hearing such as the right to discovery, the right to
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

10 3. I further agree that upon acceptance by the Commissioner, as evidenced by
11 an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this matter
12 prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the
13 Bureau Case No. H-40687 LA, may be considered by the Bureau to be true and correct for the
14 purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code
15 Section 11522.

16 4. I freely and voluntarily surrender all my licenses and license rights under the
17 Real Estate Law.

18 5. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.
19 If and when a petition application is made for reinstatement of a surrendered license or
20 endorsement, the Real Estate Commissioner will consider as one of the criteria of rehabilitation,
21 whether or not restitution has been made to any person who has suffered monetary losses through
22 "substantially related" acts or omissions of Respondent, whether or not such persons are named in
23 the investigation file in this case.

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1 6. I further agree to pay the Commissioner's reasonable cost for the
2 investigation and enforcement costs in this action. I am aware that if I petition for reinstatement in
3 the future, that payment of the Bureau's investigation and enforcement costs in this matter, which
4 total \$5,261.70, will be a condition of reinstatement.

5 7. I further agree to pay the Commissioner's reasonable cost for the audit
6 (Audit LA 150164) which led to this action. I am aware that if I petition for reinstatement in the
7 future, that payment of the audit costs in this matter, which total \$1,712.02, will be a condition of
8 reinstatement. In calculating the amount of the Commissioner's reasonable cost, the Commissioner
9 may use the estimated average hourly salary for all persons performing audits of real estate brokers,
10 and shall include an allocation for travel time to and from the auditor's place of work. I will pay
11 the audit costs within sixty (60) days of receiving an invoice from the Commissioner detailing the
12 activities performed during the audit and the amount of time spent performing those activities.

13 8. I further agree that if I petition for reinstatement in the future, that I am
14 subject to a follow-up audit to determine whether I have corrected the violations found in Audit LA
15 150164, and I agree to pay the Commissioner's reasonable cost, not to exceed one hundred twenty
16 percent (120%) of the cost of the audit for LA 150164 ($\$1,712.02 \times 120\% = \$2,054.42$), for such
17 follow-up audit. In calculating the amount of the Commissioner's reasonable cost, the
18 Commissioner may use the estimated average hourly salary for all persons performing audits of real
19 estate brokers, and shall include an allocation for travel time to and from the auditor's place of
20 work. I will pay the follow-up audit costs within sixty (60) days of receiving an invoice therefore
21 from the Commissioner detailing the activities performed during the follow-up audit and the
22 amount of time spent performing those activities. I am aware that if I petition for reinstatement in
23 the future, that payment of the follow-up audit costs will be a condition of reinstatement.

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1 I declare under penalty of perjury u .e laws of the State of California
2 that the above is true and correct and that I am acting freely and voluntarily to surrender all my
3 license and license rights under the Real Estate Law.

4 I declare under penalty of perjury under the laws of the State of California that the
5 above is true and correct and that this declaration was executed September 08, 2017 at
6 Downey California.

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8 Armando D'la Cuba
9 ARMANDO D LA CUBA
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