

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

DEC 14 2010

DEPARTMENT OF REAL ESTATE

By *L. Frost*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Bar Order Against:)
12 OSCAR NUNEZ,) DRE NO. H-5462 SAC
13 Respondent,) BAR ORDER
14) (B&P Code § 10087)
15)

16 Pursuant to Section 10087(b) of the California Business and Professions Code
17 (hereinafter "the Code"), you, Respondent, were notified on September 3, 2010 of the intention
18 of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a Bar Order
19 pursuant to Section 10087(a) of the Code.

20 Pursuant to the authority granted by Section 10087 of the Code, and after review
21 and consideration of the following facts, the Commissioner makes the following:

22 FINDINGS OF FACT

23 1. On or about November 6, 2009, in the in the Superior Court of the State of
24 California, County of Santa Clara, Case Number CC780524, Respondent was convicted of
25 violating Section 532a(1) of the California Penal Code (filing a false financial statement), a
26 misdemeanor which bears a substantial relationship Section 2910, Title 10, California Code of
27 Regulations to the qualifications, functions, or duties of a real estate licensee and constituted
grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all

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THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

It is so ordered on 12/7/2010.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

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
8 right to present evidence in defense of the allegations in the Accusation and the right to cross-
9 examine 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 Department in this
12 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
13 filed in the Department Case No. H-5387 SAC, may be considered by the Department to be
14 true and correct for the purpose of deciding whether to grant relicensure or reinstatement
15 pursuant to Government Code Section 11522.

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

18 Also in lieu of proceeding in this matter in accordance with the provisions of the
19 Administrative Procedure Act, I wish to voluntarily accept the Bar Order issued by the
20 Department of Real Estate pursuant to Section 10087 et seq. of the Code.

21 I further understand that by voluntarily accepting the Bar Order and thereby
22 waiving my right to a hearing on the Bar Order, I am prohibited for thirty-six (36) months from
23 the effective date of the Bar Order, from engaging in any of the following activities in the State
24 of California:

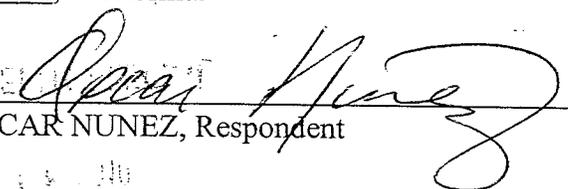
- 25 1. Holding any position of employment, management, or control in a real estate
26 business;

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- 2. Participating in any business activity of a real estate salesperson or a real estate broker;
- 3. Engaging in any real estate related activity on the premises where a real estate salesperson or real estate broker is conducting business; and
- 4. Participating in any real estate business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on Oct 12, 10, 2010, at SAN JOSE, California.
(City)


OSCAR NUNEZ, Respondent

RECEIVED

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of:)	NO. H-5462 SAC
)	
12 OSCAR NUNEZ,)	<u>NOTICE OF INTENTION</u>
)	<u>TO ISSUE BAR ORDER</u>
13 Respondent.)	(B&P Code § 10087)
)	

14
15 TO: OSCAR NUNEZ (herein "Respondent")
16 1101 S. Winchester Blvd., Suite 0-286
17 San Jose, CA 95128

18 Pursuant to Section 10087(c) of the Business and Professions Code (herein "the
19 Code"), RESPONDENT IS IMMEDIATELY PROHIBITED FROM ENGAGING IN ANY
20 BUSINESS ACTIVITY INVOLVING REAL ESTATE THAT IS SUBJECT TO REGULATION
21 UNDER THE REAL ESTATE LAW.

22 Pursuant to Section 10087(b) of the California Business and Professions Code
23 (herein "the Code"), Respondent is hereby notified of the intention of the California Real Estate
24 Commissioner (herein "Commissioner") to issue a Bar Order pursuant to Section 10087(a)(2) of
25 the Code for the allegations in the Accusation filed on May 13, 2010 by the Department of Real
26 Estate in Case No. H-5387 SAC, a copy of which is attached hereto as "Exhibit A".

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1 Please take notice that the Commissioner seeks to bar and prohibit Respondent for
2 a period of thirty-six (36) months from the effective date of Bar Order from engaging in any of
3 the following activities in the State of California:

4 (A) Holding any position of employment, management, or control in a real estate
5 business;

6 (B) Participating in any business activity of a real estate salesperson or a real
7 estate broker;

8 (C) Engaging in any real estate related business activity on the premises where a
9 real estate salesperson or real estate broker is conducting business; and,

10 (D) Participating in any real estate related business activity of a finance lender,
11 residential mortgage lender, bank credit union, escrow company, title company, or underwritten
12 title company.

13 NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

14 Pursuant to Section 10087 of the Code, you have the right to request a hearing
15 under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section
16 11400 of the Government Code). If you desire a hearing, you must submit a written request
17 within fifteen (15) days after the mailing or service of this “Notice of Intention to Issue Bar
18 Order.” The request may be in any form provided it is in writing, includes your current return
19 address, indicates that you want a hearing, is signed by you or on your behalf, and is mailed to the
20 Department of Real Estate, P. O. Box 187007, Sacramento, California 95818-7007, attention:
21 Legal Section; or, delivered personally to the offices of the Department of Real Estate, 2201
22 Broadway, Sacramento, California.

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1 If no hearing is requested within said fifteen (15) day time period, your failure to
2 request a hearing shall constitute a waiver of the right to a hearing.

3 DATED: 9/3/2010
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5 JEFF DAVI
6 Real Estate Commissioner

7 By: 
8 BARBARA J. BIGBY
9 Chief Deputy Commissioner

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1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Office: (916) 227-0789
6 Direct: (916) 227-0822

FILED

MAY 13 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11) No. H-5387 SAC
12 OSCAR NUNEZ,) ACCUSATION
13 Respondent.)
14)

15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California, acting in her official capacity, for cause of Accusation against
17 OSCAR NUNEZ (herein "Respondent"), is informed and alleges as follows:

18 1.

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate
21 salesperson.

22 2.

23 On or about November 6, 2009, in the Superior Court of the State of California,
24 County of Santa Clara, Case No. CC780524, Respondent was convicted of Penal Code §
25 532a(1), a misdemeanor which bears a substantial relationship under Section 2910, Title 10,
26 California Code of the Regulations, to the qualifications, functions or duties of a real estate
27 licensee.



3.

The facts alleged in Paragraphs 2 above constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law, and for such other and further relief as may be proper under the provisions of law.


TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 10th day of May, 2010.