

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

SEP 23 1982

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In the Matter of the Accusation of)
)
 RICHARD STEPHEN MARQUEZ,)
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)
 Respondent(s).)

No. H- 21611 LA
L- 27245

DECISION

The Proposed Decision dated September 17, 1982,
of the Administrative Law Judge of the Office of Administrative
Hearings, is hereby adopted as the Decision of the Real Estate
Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on October 19, 1982

IT IS SO ORDERED

9/22/82

E. Lee Brazil
E. LEE BRAZIL
Real Estate Commissioner

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of) NO. H-21611 LA
RICHARD STEPHEN MARQUEZ,) L-27245
Respondent.)

PROPOSED DECISION

This matter came on regularly for hearing before Marilyn L. Nelson, Administrative Law Judge of the Office of Administrative Hearings on September 16, 1982 at Los Angeles, California. Complainant was represented by Donna S. Hauptman, Counsel. Respondent appeared in propria persona. A Stipulation was received and the matter submitted. Based upon said Stipulation the Administrative Law Judge makes the following findings of fact:

I

Randolph Brendia is a Deputy Real Estate Commissioner of the State of California, and filed the Accusation herein in his official capacity.

II

Richard Stephen Marquez (hereinafter referred to as "respondent") at all times herein mentioned has been, and now is, licensed by the Department of Real Estate of the State of California as a real estate salesperson. At all times herein mentioned, respondent was employed as a loan representative by The Hammond Company, a mortgage banker.

III

In or about August, 1981, Francisco and Elizabeth Baez (hereinafter referred to as the "Borrowers") completed, among other things, a loan application, credit history, and employment verification, which they gave to respondent as representative of The Hammond Company, the mortgage banker employed by the Borrowers to obtain or fund a loan for their purchase of certain real property containing a single family residence located at 10503 Meadow Road, Norwalk, California (hereinafter referred to as the "Property").

IV

On or about October 27, 1981, Robert Arthur Sheldon (hereinafter referred to as "Shelden"), a licensed real estate broker and the listing agent for the Property, requested respondent, a Notary Public in and for the State of California, to notarize a grant deed dated October 6, 1981 (hereinafter referred to as the "Grant Deed"), reflecting a grant of the interest of Jose B. Garcia (hereinafter referred to as the "Seller") in the Property to the Borrowers and bearing what purported to be the signature of the Seller. Although the Seller did not appear personally before respondent nor did the Seller acknowledge to respondent his signature on the Grant Deed, respondent notarized the signature by signing and affixing his Official Seal to the Grant Deed. In performing the foregoing acts, respondent falsely certified (1) that the Borrowers acknowledged signing the Grant Deed, (2) that the Borrowers personally appeared before him on October 27, 1981 in Los Angeles County, and (3) the identity of the Borrowers.

V

On or about December 10, 1981, upon review of a Deed of Trust dated December 1, 1981 (hereinafter referred to as the "Trust Deed") bearing what purported to be the signatures of the Borrowers, and upon observing that the Official Notary Public Seal of Shelden appearing on the Trust Deed reflected an expired date, respondent notarized the purported signatures of the Borrowers. Although the Borrowers did not appear personally before respondent nor did the Borrowers acknowledge to respondent their signatures on the Trust Deed, respondent signed and affixed his Official Seal to the Trust Deed. In performing the foregoing acts, respondent falsely certified (1) that the Borrowers acknowledged signing the Trust Deed, (2) that the Borrowers personally appeared before him on December 10, 1981 in Los Angeles County, and (3) the identity of the Borrowers.

* * * * *

Pursuant to the Stipulation, the Administrative Law Judge makes the following determination of issues:

The real estate licenses and license rights heretofore issued to respondent Richard Stephen Marquez are subject to disciplinary action pursuant to the provisions of Sections 10177(f) and 10177(j) of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson license and all other license rights of respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) are hereby revoked; provided, however, that a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code not sooner than fifteen (15) days from the effective date of this Decision if respondent makes application and pays the fee for the license to the Department of Real Estate within forty-five (45) days from the effective date of this Decision.

The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under the authority of Section 10156.6 of said Code:

A. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

B. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, regulations of the Real Estate Commissioner or conditions attaching to said restricted license.

C. With his application for license, or with his application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

1. That the broker has read the Accusation which is the basis for the issuance of the restricted license; and

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

D. The restricted license may be suspended by order of the Real Estate Commissioner pending a final determination after a hearing if respondent fails to present evidence satisfactory to the Department within six months from the effective date of this Decision of having taken and completed 45 hours of approved continuing education offerings within the four-year period immediately preceding the date on which respondent presents such evidence to the Department.

I hereby submit the foregoing which constitutes my Proposed Decision in the above entitled matter based solely upon the Stipulation of the parties to the Real Estate Commissioner.

DATED: Sept. 17, 1982

Marilyn L. Nelson
MARILYN L. NELSON
Administrative Law Judge
Office of Administrative Hearings

MLN: mh

SACTO

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

AUG 13 1982

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY [Signature]

In the Matter of the Accusation of)

RICHARD STEPHEN MARQUEZ,)

Respondent)

No. H-21611 LA
L-27245

NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 314 W. First St., Los Angeles, California 90012 on the 16th day of September, 1982, at the hour of 1:00 p.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and may be represented by counsel but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that a notice of defense has not been filed by you, upon affidavits, without further notice to you.

You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Dated: August 13, 1982

cc: Richard Stephen Marquez E. LEE BRAZIL
Warmington Financial REAL ESTATE COMMISSIONER
Corporation
Sacto
OAH

By [Signature]
Attorney

Handwritten mark

FILED

JUN 14 1962

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

1 DONNA S. HAUPTMAN, Counsel
Department of Real Estate
2 107 South Broadway, Room 8107
Los Angeles, California 90012
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4 (213) 620-4790
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7

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-21611 LA
12 RICHARD STEPHEN MARQUEZ,) A C C U S A T I O N
13 Respondent.)
14)

15 The complainant, Randolph Brendia, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against RICHARD STEPHEN MARQUEZ, alleges as follows:

18 I

19 The complainant, Randolph Brendia, a Deputy Real Estate
20 Commissioner of the State of California, makes this accusation in
21 his official capacity.

22 II

23 RICHARD STEPHEN MARQUEZ (hereinafter referred to as
24 "respondent"), is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business and
26 Professions Code, hereinafter referred to as the "Real Estate Law").

27 /

1 III

2 At all times herein mentioned, respondent was licensed
3 by the Department of Real Estate of the State of California as a
4 real estate salesperson.

5 IV

6 At all times herein mentioned, respondent was employed as
7 a loan representative by The Hammond Company, a mortgage banker.

8 V

9 In or about August, 1981, Francisco and Elizabeth Baez
10 (hereinafter referred to as the "Borrowers") completed, among other
11 things, a loan application, credit history, and employment
12 verifications, which they gave to respondent as representative of
13 The Hammond Company, the mortgage banker employed by the Borrowers
14 to obtain or fund a loan for their purchase of certain real
15 property containing a single family residence located at 10503
16 Meadow Road, Norwalk, California (hereinafter referred to as the
17 "Property").

18 VI

19 On or about October 27, 1981, Robert Arthur Shelden
20 (hereinafter referred to as "Shelden"), a licensed real estate
21 broker and the listing agent for the Property, requested respondent
22 a Notary Public in and for the State of California, to notarize a
23 grant deed dated October 6, 1981 (hereinafter referred to as the
24 "Grant Deed"), reflecting a grant of the interest of Jose B. Garcia
25 (hereinafter referred to as the "Seller") in the Property to the
26 Borrowers and bearing what purported to be the signature of the
27 Seller. Although the Seller did not appear personally before

1 respondent nor did the Seller acknowledge to respondent his
2 signature on the Grant Deed, respondent notarized the signature by
3 signing and affixing his Official Seal to the Grant Deed. In
4 performing the foregoing acts, respondent falsely certified
5 (1) that the Borrowers acknowledged signing the Grant Deed,
6 (2) that the Borrowers personally appeared before him on October
7 27, 1981 in Los Angeles County, and (3) the identity of the Borrowers.

8
9 VII

10 On or about December 10, 1981, upon review of a Deed of
11 Trust dated December 1, 1981 (hereinafter referred to as the
12 "Trust Deed") bearing what purported to be the signatures of the
13 Borrowers, and upon observing that the Official Notary Public Seal
14 of Sheldon appearing on the Trust Deed reflected an expired date,
15 respondent notarized the purported signatures of the Borrowers.
16 Although the Borrowers did not appear personally before respondent
17 nor did the Borrowers acknowledge to respondent their signatures on
18 the Trust Deed, respondent signed and affixed his Official Seal
19 to the Trust Deed. In performing the foregoing acts, respondent
20 falsely certified (1) that the Borrowers acknowledged signing the
21 Trust Deed, (2) that the Borrowers personally appeared before him
22 on December 10, 1981 in Los Angeles County, and (3) the identity
23 of the Borrowers.

24 VIII

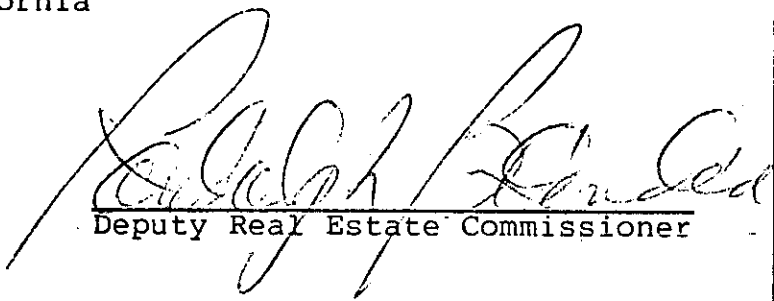
25 The conduct of respondent, as alleged hereinabove, con-
26 stitutes acts or conduct which would have warranted the denial of
27 respondent's application for a real estate license, fraud, and/or
dishonest dealing. Said conduct is cause for suspension or

1 revocation of all licenses and license rights of respondent under
2 Sections 10177(f) and 10177(j) of the California Business and
3 Professions Code.

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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 RICHARD STEPHEN MARQUEZ under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 14th day of June, 1982.


Deputy Real Estate Commissioner

cc: Richard Stephen Marquez
Warmington Financial Corporation
Sacto
OAH
DJW