

FILED
AUG 22 2011
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
BONFILIA CALDERON,)	No. H-37353 LA
Respondent.)	
_____)	

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 August 4, 2011, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

The right to reinstatement of a revoked license is controlled by Section 11522 of the Government Code. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto for the information of the Respondent.

FINDINGS OF FACT

I

On June 17, 2011, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on June 21, 2011.

On August 4, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent is presently licensed and has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson employed by real estate broker Neal Arrington dba Interstate Realty And Investments.

IV

On or about October 1, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 13503 Mesa Linda Ave., Victorville, California, for borrower Delfino Cruz.

V

On or about December 14, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 6641 Sweetzer Way, Las Vegas, Nevada for borrowers Arnie Barajas and Lizbeth J. Palomo.

VI

Respondent's employing broker was unaware of the above transactions.

VII

Respondent violated Code Section 10145(c) by collecting advance fees from the borrowers Cruz and Barajas and Palomo and failed to turn the funds over to her employing broker.

VIII

Respondent's activities are acts requiring a real estate broker license under the provisions of Code Section 10131(d) and (e).

IX

Respondent misappropriated the funds she received from the borrowers Cruz and Barajas and Palomo without the knowledge or permission of the borrowers.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Section 10177(j), and Sections 10177(d) and 10177(g) for violation of Code Sections 10130 and 10145(c).

II

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

ORDER

The license and license rights of Respondent BONFILIA CALDERON 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
SEP 12 2011

DATED: August 11, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

William E. Moran

By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

SACD.
Hay

FILED
JUN 21 2011
DEPARTMENT OF REAL ESTATE
[Signature]

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
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4 Los Angeles, CA 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37353 LA
12 BONFILIA CALDERON,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Joseph Aiu, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against BONFILIA CALDERON, alleges as follows:

18 I

19 The Complainant, Joseph Aiu, acting in his official
20 capacity as a Deputy Real Estate Commissioner of the State of
21 California, makes this Accusation against BONFILIA CALDERON.

22 II

23 BONFILIA CALDERON (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
26 and Professions Code, hereinafter Code).
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VI

Respondent's employing broker was not aware of the above transactions.

VII

Respondent violated Code Section 10145(c) by collecting advance fees from the borrowers Cruz and Barajas and Palomo and failed to turn the funds over to her employing broker.

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Respondent's activities are acts requiring a real estate broker license under the provisions of Code Section 10131(d) and (e).

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IX

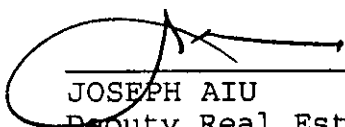
Respondent misappropriated the funds she received from the borrowers Cruz and Barajas and Palomo without the knowledge or permission of the borrowers.

X

The conduct of Respondent, as alleged above, subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10177(f) and 10177(j) of the Code, and Sections 10177(d) and/or 10177(g) for violation of Code Sections 10130 and 10145(c).

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 BONFILIA CALDERON 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 San Diego, California
this 17 day of June, 2011.


JOSEPH AIU
Deputy Real Estate Commissioner

cc: Bonfilia Calderon
Joseph Aiu
Sacto.