

PAB

**FILED**

MAR 05 2014

**BUREAU OF REAL ESTATE**

*[Signature]*

1 JASON D. LAZARK, Counsel (SBN 263714)  
2 Bureau of Real Estate  
3 P. O. Box 137007  
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8672  
6 -or- (916) 263-8684 (Direct)

7  
8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

\*\*\*

10 In the Matter of the Application of )  
11 ENRIQUE PAEZ, ) H-6090 SAC  
12 ) STATEMENT OF ISSUES  
13 Respondent. )

14 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a  
15 Deputy Real Estate Commissioner of the State of California, for Statement of Issues against  
16 ENRIQUE PAEZ ("Respondent"), is informed and alleges as follows:

17 1

18 Respondent made application to the Bureau of Real Estate of the State of  
19 California for a real estate salesperson license on or about July 8, 2013.

20 CRIMINAL CONVICTIONS

21 2

22 On or about January 13, 2009, in the Superior Court of the State of California,  
23 County of San Joaquin, in Case No. SF109669A, Respondent was convicted of a violation of  
24 Vehicle Code sections 23152(a) (driving while under the influence of alcohol or drugs) and  
25 23152(b) (driving with a blood alcohol level at or above .08%), a felony and a crime which  
26 bears a substantial relationship under section 2910, title 10, California Code of Regulations  
27 ("the Regulations"), to the qualifications, functions, or duties of a real estate licensee.

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

3

On or about July 30, 2003, in the Superior Court of the State of California, County of San Joaquin, in case number MM106271A, Respondent was convicted of violating Vehicle Code section 23152(b) (driving with a blood alcohol level at or above .08%), a misdemeanor which bears a substantial relationship under section 2910, title 10 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

4

On or about June 21, 2000, in the Superior Court of the State of California, County of San Joaquin, in case number MM106271A, Respondent was convicted of violating Vehicle Code section 23152(b) (driving with a blood alcohol level at or above .08%), a misdemeanor which bears a substantial relationship under section 2910, title 10 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

5

On or about September 28, 1999, in the Superior Court of the State of California, County of San Joaquin, in case number TM26977A, Respondent was convicted of violating Vehicle Code section 23152(b) (driving with a blood alcohol level at or above .08%), a misdemeanor which bears a substantial relationship under section 2910, title 10 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

6

On or about September 3, 1998, in the Superior Court of the State of California, County of San Joaquin, in case number MM020243A, Respondent was convicted of violating Penal Code section 243(e) (battery), a misdemeanor which bears a substantial relationship under section 2910, Title 10 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

///  
///  
///

1 PRIOR LICENSE DENIAL

2 7

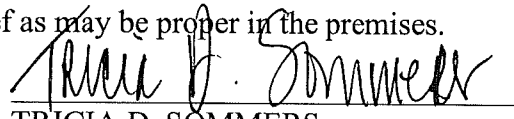
3 Effective June 21, 2004, in Case No. H-1635 FR, before the then California  
4 Department of Real Estate [OAH Case No. N-2003110532], the court finding that the  
5 convictions set forth in paragraphs 3 through 6, above, bear a substantial relationship under  
6 section 2910, title 10 of the Regulations, to the qualifications, functions, or duties of a real  
7 estate licensee, the application of Respondent for a real estate salesperson license was denied for  
8 violations of Sections 480(a) and 10177 (b) of the Business & Professions Code.

9 GROUND FOR DENIAL

10 8

11 Respondent's criminal convictions, as described above in Paragraphs 3 through  
12 6, constitute grounds under sections 480(a) and 10177(b) of the Code for the denial of  
13 Respondent's application for a real estate license.

14 WHEREFORE, Complainant prays that the above-entitled matter be set for  
15 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
16 authorize the issuance of, and deny the issuance of a real estate salesperson license to  
17 Respondent, and for such other and further relief as may be proper in the premises.

18   
19 TRICIA D. SOMMERS  
20 Deputy Real Estate Commissioner

21 Dated at Sacramento, California,  
22 this 3rd day of March, 2014.

23 DISCOVERY DEMAND

24 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department  
25 hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative*  
26 *Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of  
27 witnesses and documents at the hearing or other sanctions that the Office of Administrative  
Hearings deems appropriate.