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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
By *Victoria Dillon*  
Victoria Dillon

In the Matter of the Application of )  
ISAAC OLIVEIRA RODRIGUES aka )  
ISAAC RODRIGUES aka ISAAC O. RODRIGUES, JR. )  
aka ISAAC OLIVEIRA RODRIGUES, JR., )  
Respondent. )

No. H- 6392 SF  
OAH NO. N- 37033

DECISION

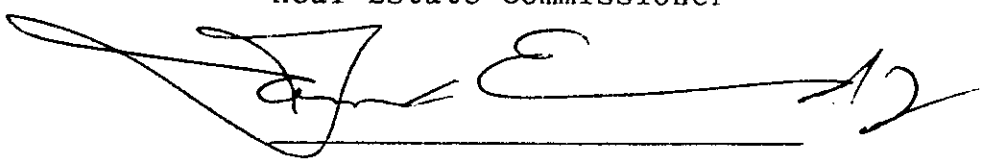
The Proposed Decision dated November 26, 1990 of  
the Administrative Law Judge of the Office of Administrative  
Hearings is hereby adopted as the Decision of the Real Estate  
Commissioner in the above-entitled matter.

The application for a real estate Broker  
license is denied. There is no statutory restriction when  
application may again be made for this license. If and when  
application is again made for this license, all competent  
evidence of rehabilitation presented by respondent will be  
considered by the Real Estate Commissioner. A copy of the  
Commissioner's Criteria of Rehabilitation is appended hereto for  
the information of respondent.

This Decision shall become effective at 12 o'clock noon  
on January 10, 1991.

IT IS SO ORDERED 12-14, 1990.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application )  
of: )

ISAAC OLIVEIRA RODRIGUES )  
aka ISAAC RODRIGUES )  
aka ISAAC O. RODRIGUES, JR. )  
aka ISAAC OLIVEIRA RODRIGUES, JR. )

Respondent. )

Case No. H-6392 SF

OAH No. N 37033

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings on November 20, 1990, in San Francisco, California.

Complainant was represented by David B. Seals, Staff Counsel.

Respondent was present and represented himself.

FINDINGS OF FACT

FIRST CAUSE OF ACTION

I

Isaac Oliveira Rodrigues, aka Isaac Rodrigues, aka Isaac O. Rodrigues, Jr., aka Isaac Oliveira Rodrigues, Jr., (respondent) made application to the Department of Real Estate of the State of California (Department) for a real estate broker license on May 7, 1990.

II

Edward V. Chiolo made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner of the State of California and not otherwise.

### III

In response to Question 19a of the application, to wit:

"Have you ever had a denied, suspended, restricted or revoked license of any kind? This includes any business or professional license (including Real Estate), in California or any other state."

Respondent answered "No."

### IV

At all times mentioned herein, respondent was an attorney at law licensed to practice in the State of California by the California Supreme Court.

### V

Effective April 29, 1990, the California Supreme Court ordered that he be suspended from the practice of law pending final disposition of proceedings against him pursuant to Business and Professions Code section 6102 because respondent was convicted of violating 18 United States Code section 1341 and 26 United States Code section 7206(1), felonies involving moral turpitude.

### VI

Respondent explained that he believed that he could answer "No" because the action by the Supreme Court was against him personally, not against his license. This is a convoluted excuse for not revealing the Supreme Court's action against his license to practice law. Respondent was not being completely forthright or honest about his situation.

## SECOND CAUSE OF ACTION

### VII

On June 22, 1990, in the United States District Court, Northern District of California, respondent was convicted of violation of Title 18, United States Code, section 1341 (Mail Fraud) and Title 26, United States Code, section 7206(1) (Making and Subscribing to False Tax Returns) felonies and crimes involving moral turpitude which are substantially related to the duties functions and qualifications of a real estate licensee.

### VIII

Respondent was involved in a scheme to defraud insurance companies by claiming he was involved and injured in two separate accidents. Respondent gained \$100,000 as a result of this

scheme. Respondent got involved in this scheme as a result of gambling debts. Respondent is presently on probation and has over \$150,000 in restitution to make.

IX

Respondent has made some progress toward rehabilitation. However, he is presently unemployed. He is trying to sell his house to make the restitution that was ordered. Because respondent's conviction is so recent and he has not really had time to prove himself on probation, it would not be in the public interest to issue a probationary license at this time.

DETERMINATION OF ISSUES

I

By reason of the matters set forth in Findings III through VI, cause for denial exists pursuant to sections 10177(a) and 480(c) of the Business and Professions Code (Code).

II

By reason of the matters set forth in Findings VII and VIII, cause for denial exists pursuant to sections 480(a) and 10177(b) of the Code.

III

The matters set forth in Finding IX have been considered in making the following order.

ORDER

The application of Isaac Oliveira Rodrigues for a real estate broker license is hereby denied pursuant to Determinations I and II separately and severally.

DATED: November 24, 1990

Ruth S. Astle  
RUTH S. ASTLE  
Administrative Law Judge

RSA:wc

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA  
DEPARTMENT OF REAL ESTATE  
OCT 19 1990

In the Matter of the Application of  
ISAAC OLIVEIRA RODRIGUES aka  
ISAAC RODRIGUES aka ISAAC O.  
RODRIGUES, JR. aka ISAAC OLIVEIRA  
RODRIGUES, JR.,

}

By Victoria Dillon  
Victoria Dillon

Case No. H-6392 SF  
OAH No. N 37033

Respondent

CONTINUED  
NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
OFFICE OF ADMINISTRATIVE HEARINGS, State Building,  
455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on the 20th day of November, 19 90, at the hour of 1:00 p.m. (2 hr. hearing)  
as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: October 19, 1990

By David B. Seals  
DAVID B. SEALS, Counsel  
Ynd

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FILED  
OCT 15 1990

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA DEPARTMENT OF REAL ESTATE

By Victoria Dillon  
Victoria Dillon

In the Matter of the Application of  
ISAAC OLIVEIRA RODRIGUES aka  
ISAAC RODRIGUES aka ISAAC O.  
RODRIGUES, JR. aka ISAAC OLIVEIRA  
RODRIGUES, JR.,

}

Case No. H-6392 SF  
OAH No. N 37033

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
OFFICE OF ADMINISTRATIVE HEARINGS, State Building,  
455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on the 13th day of November, 19 90, at the hour of 9:00 a.m., or as soon thereafter (2 hr. hearing)  
as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: October 15, 1990

By David B. Seals  
DAVID B. SEALS, Counsel

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DAVID B. SEALS, Counsel  
Department of Real Estate  
185 Berry Street, Room 5816  
San Francisco, California 94107-1770  
  
(415) 557-3220

FILED  
SEP 17 1990

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*  
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
ISAAC OLIVEIRA RODRIGUES )  
aka ISAAC RODRIGUES )  
aka ISAAC O. RODRIGUES, JR. )  
aka ISAAC OLIVEIRA RODRIGUES, JR., )  
Respondent. )

NO. H-6392 SF  
STATEMENT OF ISSUES

The Complainant, EDWARD V. CHILOLO, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ISAAC OLIVEIRA RODRIGUES aka ISAAC RODRIGUES aka ISAAC O. RODRIGUES, JR., aka ISAAC OLIVEIRA RODRIGUES, JR. (hereinafter Respondent) alleges as follows:

FIRST CAUSE OF ACTION

I

Respondent made application to the Department of Real Estate of the State of California for a real estate broker license on or about May 7, 1990.

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II

Complainant, EDWARD V. CHILOLO, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

In response to Question 19a. of said application, to wit:

"Have you ever had a denied, suspended, restricted or revoked license of any kind? This includes any business or professional license (including Real Estate), in California or any other state."

Respondent answered "NO".

IV

At all times mentioned hereunder, Respondent was an attorney at law licensed to practice in the State of California by the California Supreme Court.

V

Effective April 20, 1990, the California Supreme Court ordered that Respondent be suspended from the practice of law pursuant to Business and Professions Code Section 6102 because he had been convicted of violating 18 United States Code Section 1341 and 26 United States Code Section 7206(1), felonies involving moral turpitude.

VI

Respondent's failure to reveal the suspension set forth in Paragraph V above in said application constitutes an attempt to procure a real estate license, by making a material



1 misstatement of fact in said application, and is cause for  
2 denial of Respondent's application for a real estate license  
3 under the provisions of Section 10177(a) of the California  
4 Business and Professions Code.

5 VII

6 Respondent's failure to reveal the suspension set  
7 forth in Paragraph V above in said application constitutes  
8 having knowingly made a false statement of fact required to be  
9 revealed in the application for a license under Section 480(c)  
10 of the California Business and Professions Code.

11 SECOND CAUSE OF ACTION

12 VIII

13 There is hereby incorporated into this second,  
14 separate and distinct cause of action all the allegations  
15 contained in Paragraphs I and II of the First Cause of Action as  
16 if fully set forth herein.

17 IX

18 On or about June 22, 1990, in the United States  
19 District Court, Northern District of California, Respondent was  
20 convicted of violation of Title 18, United States Code, Section  
21 1341 (MAIL FRAUD) and Title 26, United States Code, Section  
22 7206(1) (MAKING AND SUBSCRIBING TO FALSE TAX RETURNS) felonies  
23 and crimes involving moral turpitude which bear a substantial  
24 relationship under Section 2910, Title 10, California Code of  
25 Regulations to the qualifications, functions or duties of a real  
26 estate licensee.

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X

The crimes of which Respondent was convicted, as alleged in Paragraph IX above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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

*Edward V. Chio*

EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

Dated at San Francisco, California,  
this 17<sup>th</sup> day of SACRAMENTO, 1990.