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FILED  
JUN 29 1993

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

\* \* \*

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

By Victoria Dillon  
No. H-6861 SF Victoria Dillon  
OAH N 42543

DECISION

The Proposed Decision dated June 4, 1993,  
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 July 19, 1993.

IT IS SO ORDERED 6/21, 1993.

CLARK WALLACE  
Real Estate Commissioner

Clark Wallace



III

The Court suspended imposition of sentence and placed respondent on five years probation on condition he make restitution, pay tax penalties as calculated by the IRS and pay a special assessment of \$100.

IV

Respondent pleaded Guilty to the following: that he engaged in a scheme to defraud Farmers Insurance Company through fraudulent claims for personal injuries and property damage resulting from a traffic collision and that respondent used the mails for that purpose.

V

The Government's summary of restitution due from respondent as of June 22, 1990 amounted to \$156,196.67.

The Government's summary of outstanding taxes, with penalties and interest as of June 22, 1990, due from respondent was:

1. For the year 1984: \$ 1,883.00
2. For the year 1985: \$ 868.00
3. For the year 1986: \$39,502.67

for a total of \$42,253.67.

VI

Respondent's explanation for his conviction is: during 1985 to 1987, he gambled beyond his means. He was granted a line of credit at a casino in Reno, Nevada and lost heavily. An acquaintance, whom he describes as a "shady character," talked respondent into participating in fraudulent automobile accidents to recoup his losses.

VII

After his conviction, respondent engaged in ten hours of counseling. According to respondent, his therapist ended the sessions because they were no longer needed. Respondent's last counseling session was about one and one-half years ago.

VIII

Respondent is thirty-seven years old. Since his conviction, respondent married and has two children. He no

longer associates with his former acquaintance. Respondent passed the California Bar Examination in December 1981. He practiced law until April 20, 1990. He had his own law firm and served as a Pro Tem Judge in three Alameda County Municipal Courts. He resigned from the State Bar in September 1990 with charges pending. He became eligible to seek reinstatement as of last week.

He is a sponsor for elderly housing projects and participates in an art and wine festival given in Fremont, California. He has suffered no violations thus far while on probation.

#### IX

Respondent estimates his current tax liability, including penalties and interest, soared to \$283,000. The IRS reduced this amount to \$160,000. He paid the liability down to \$96,000, but the balance has soared to \$116,000 to \$120,000. He now pays \$100 or more per month.

Respondent's outstanding balance on restitution is \$148,000. He also makes \$100 monthly payments on this debt.

Respondent paid the special assessment in full.

#### X

Since April 1990, respondent has engaged in buying auction properties for resale. He helped friends in this venture and was reimbursed at an hourly rate. Thereafter, he made investments in realty with a friend. He received an hourly rate to rehabilitate property. Since July 1992, respondent has worked as a legal assistant at a San Jose law firm. He also works after hours and weekends for a food broker in sales.

#### XI

Respondent has returned to his church. He is involved with the Fremont Youth Baseball program and an underprivileged youth group in San Jose.

#### XII

Respondent assumes he will not complete restitution payments before his probation ends. He does not think he will be required to make payments thereafter but also does not expect the State Bar to reinstate his license to practice law as a result.

DETERMINATION OF ISSUES

I

Respondent was convicted of crimes which bear a substantial relationship to the duties, qualifications and functions of a real estate licensee (Title 10, California Code of Regulations, section 2910). Cause for denial exists under Business and Professions Code sections 490 and 10177(b).

II

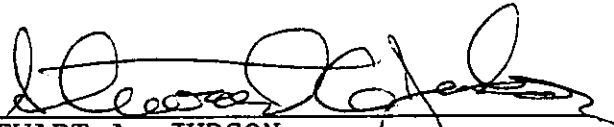
Official Notice of Title 10, California Code of regulations, section 2911 is taken.

Considering the severity of the crimes and conduct involved, that respondent was an attorney who was charged with a special public trust at the time, that respondent is still on criminal probation and that respondent will likely not complete restitution or satisfy his monetary obligations to the IRS, insufficient time has elapsed to warrant a finding that respondent is sufficiently rehabilitated for issuance of a real estate license now.

ORDER

The application of Isaac Oliveira Rodriguez for a real estate broker license is denied.

DATED: June 4, 1993

  
STEWART A. JUDSON  
Administrative Law Judge  
Office of Administrative Hearings

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**FILED**  
MAR 09 1993

**BEFORE THE DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

**DEPARTMENT OF REAL ESTATE**

By *Maria J. Dulala*

*In the Matter of the Application of*

ISAAC OLIVEIRA RODRIGUES,

}

Case No. H-6861 SF

OAH No. N-42543

*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, S.F., CA 94102

on April 30, 1993 (2 hrs.), at the hour of 10:00 am,  
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: March 9, 1993

By *David B. Seals*  
DAVID B. SEALS, *my* Counsel

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JAN 27 1993

DEPARTMENT OF REAL ESTATE

1 DAVID B. SEALS, Counsel  
2 Department of Real Estate  
3 185 Berry Street, Room 3400  
4 San Francisco, CA 94107-1770

By *Marcia Tuleala*

5 Telephone: (415) 904-5917

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Application of )	
	)	No. H- 6861 SF
12	ISAAC OLIVEIRA RODRIGUES, )	
	)	<u>STATEMENT OF ISSUES</u>
13	)	
	)	
14	Respondent. )	

15 The Complainant, Edward V. Chiolo, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against ISAAC OLIVEIRA RODRIGUES (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate broker license  
22 on or about May 28, 1992.

23 ///

24 II

25 Complainant, Edward V. Chiolo, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Statement of  
27 Issues in his official capacity.

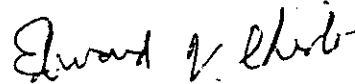
III

1 On or about June 22, 1990, in the United States District  
2 Court, Northern District of California, Respondent was convicted  
3 of violation of Title 18, United States Code, Section 1341 (Mail  
4 Fraud) and Title 26, United States Code, Section 7206(1) (Making  
5 and Subscribing to False Tax Returns), felonies and crimes  
6 involving moral turpitude which bear a substantial relationship  
7 under Section 2910, Title 10, California Code of Regulations to  
8 the qualifications, functions or duties of a real estate licensee.

9 IV

10 The crimes for which Respondent was convicted, as  
11 alleged in Paragraph III above, constitute cause for denial of  
12 Respondent's application for a real estate license under Sections  
13 480(a) and 10177(b) of the California Business and Professions  
14 Code.

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

21 

22 \_\_\_\_\_  
23 EDWARD V. CHIOLO  
24 Deputy Real Estate Commissioner

25 Dated at San Francisco, California,  
26 this 27<sup>th</sup> day of January, 1993.  
27