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FILED
JAN 18 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
ISAAC OLIVEIRA RODRIGUES,) NO. H-7429 SF
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On October 23, 1990, an Order was rendered herein denying Respondent's application for real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on April 23, 1997, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On June 28, 2001, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that he meets the requirements of law for the
2 issuance to him of an unrestricted real estate salesperson
3 license and that it would not be against the public interest to
4 issue said license to him.

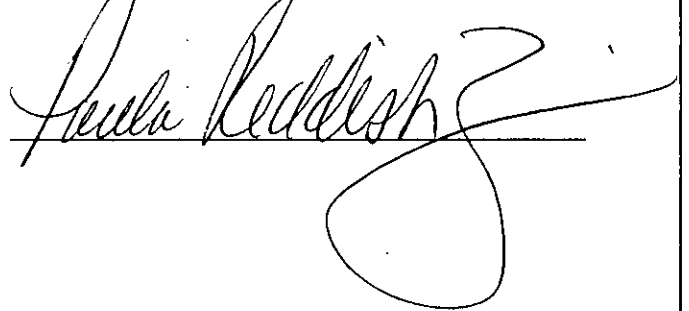
5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for removal of restrictions is granted and that a real
7 estate salesperson license be issued to Respondent, if Respondent
8 satisfies the following condition within nine months from the
9 date of this Order:

- 10 1. Submittal of a completed application and payment of
11 the fee for a real estate salesperson license.

12 This Order shall become effective immediately.

13
14 DATED: January 4, 2002

15
16 PAULA REDDISH ZINNEMANN
17 Real Estate Commissioner

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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
APR 17 1997
DEPARTMENT OF REAL ESTATE

5
6 By *Luisie A. Zari*
7

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) No. H-7429 SF
13)
14 ISAAC OLIVEIRA RODRIGUES,)
15) STIPULATION AND WAIVER
16 Respondent.)
17)

18 It is hereby stipulated by Respondent ISAAC
19 OLIVEIRA RODRIGUES (hereinafter "Respondent") as follows:

20 A. Respondent affirms that Respondent has applied
21 to the Department of Real Estate for a real estate
22 salesperson license, and that to the best of Respondent's
23 knowledge Respondent has satisfied all of the statutory
24 requirements for the issuance of the license, including the
25 payment of the fee therefor.

26 B. Respondent acknowledges that Respondent has
27 received and read the Statement of Issues and the Statement
to Respondent filed by the Department of Real Estate on
January 14, 1997 in connection with Respondent's application
for a real estate salesperson license. Respondent

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understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that the Real Estate Commissioner may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by entering into this Stipulation and Waiver Respondent is stipulating that the Real Estate Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

C. Respondent hereby admits that the allegation of the Statement of Issues filed against Respondent are true and correct. Without limiting the foregoing, Respondent particularly admits that: (a) on June 22, 1990, in the United States District Court, Northern District of California, Respondent was convicted of violating Title 18 United States Code Section 1341 (mail fraud) and Title 28 United States Code Section 7206(1) (making false tax return), both felonies and crimes which are substantially related to the qualifications, functions and duties of a real estate

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licensee; (b) Respondent's sentence in said proceedings included a term of probation of five years and the requirement that Respondent make restitution to the United States in the sums of \$156,196.67 and \$42,253.67.

D. Respondent requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions Code.

E. Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Real Estate Commissioner.

F. Respondent further understands that the following conditions, limitations and restrictions will attach to a restricted license issued by the Department of Real Estate pursuant hereto:

1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this

1 restricted license in the event of:

2 a. The conviction of Respondent (including a
3 plea of nolo contendere) to a crime which
4 bears a substantial relationship to
5 Respondent's fitness or capacity as a real
6 estate licensee; or

7 b. The receipt of evidence that Respondent
8 has violated provisions of the California Real
9 Estate Law, the Subdivided Lands Law,
10 Regulations of the Real Estate Commissioner or
11 conditions attaching to this restricted
12 license.

13 2. Respondent shall not be eligible to apply for
14 the issuance of an unrestricted real estate license
15 nor the removal of any of the conditions,
16 limitations or restrictions attaching to the
17 restricted license until one year has elapsed from
18 the date of issuance of the restricted license to
19 Respondent. Respondent shall not be eligible to
20 apply for the issuance of an unrestricted real
21 estate license until Respondent provides proof
22 satisfactory to the Real Estate Commissioner that
23 Respondent has fully satisfied and discharged
24 Respondent's obligation, described in Paragraph
25 "C", above to make restitution to the United
26 States.

27 3. Until the restitution obligation described in
Paragraph "C", above has been fully satisfied and



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discharged, Respondent shall, on or before the last day of April of each calendar year during the term of the restricted license issued pursuant hereto, provide proof satisfactory to the Real Estate Commissioner that during the preceding calendar year Respondent made payments on Respondent's said restitution obligation in an amount equal to \$100.00 per month plus ten percent (10%) of Respondent's business income from activity for which a real estate license is required as shown on Schedule C of IRS Form 1040 for that year. Proof of such business income shall consist of the applicable Form 1040, the applicable Schedule C, and verification of such business income by Respondent's employing broker(s).

4. With the application for license, or with the 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:

- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's

1 performance of acts for which a license is
2 required.

3 31 March 1997

4 DATED

Isaac Oliveira Rodrigues

5 ISAAC OLIVEIRA-RODRIGUES
6 Respondent

7 * * *

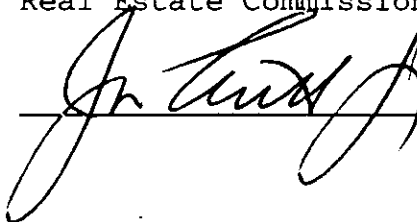
8 I have read the Statement of Issues filed herein
9 and the foregoing Stipulation and Waiver signed by
10 Respondent. I am satisfied that the hearing for the purpose
11 of requiring further proof as to the honesty and
12 truthfulness of Respondent need not be called and that it
13 will not be inimical to the public interest to issue a
14 restricted real estate salesperson license to Respondent.

15 Therefore, IT IS HEREBY ORDERED that a restricted
16 real estate salesperson license be issued to Respondent
17 ISAAC OLIVEIRA RODRIGUES if Respondent has otherwise
18 fulfilled all of the statutory requirements for licensure.
19 The restricted license shall be limited, conditioned and
20 restricted as specified in the foregoing Stipulation and
21 Waiver.

22 This Order effective immediately.

23 Dated this 10TH day of APRIL, 1997.

24 JIM ANTT, JR.
25 Real Estate Commissioner

26 

FILED
JAN 27 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *Lauriel A. Zan*

In the Matter of the Application of

ISAAC OLIVERIA RODRIGUES,

Case No. H-7429 SF

OAH No. _____

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 the
Office of Administrative Hearings, World Savings Tower, 1970 Broadway,
Second Floor, OAKLAND, CA 94612

on Wednesday, April 9, 1997, at the hour of 11:00 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.

Dated: January 27, 1997

DEPARTMENT OF REAL ESTATE
By *James L. Beaver*
JAMES L. BEAVER Counsel

1 DAVID A. PETERS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
JAN 14 1997
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 ISAAC OLIVEIRA RODRIGUES,) No. H-7429 SF
13 Respondent.) STATEMENT OF ISSUES
14 _____)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues 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 salesperson
22 license on or about October 25, 1996.

23 II

24 Complainant, Les R. Bettencourt, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity.

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III

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

IV

Respondent was licensed to practice law in California by the State Bar of California from approximately January, 1982, through approximately September, 1990. On April 20, 1990, Respondent's license to practice law in California was suspended by the California Supreme Court in Case No. S014464, pending final disposition of the case. As a result of the conviction described in Paragraph III above, and the pending State Bar case, Respondent resigned from the State Bar in approximately September, 1990, with charges pending.

V

The crimes of which Respondent was convicted, as alleged in Paragraph III 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 (Code).

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VI

The suspension of Respondent's attorney license by the California Supreme Court, as alleged in Paragraph IV above, constitutes cause for denial of Respondent's application for a real estate license under Section 10177(f) of the 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.



LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 9th day of January, 1997.

