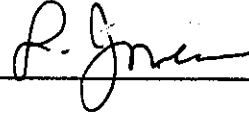


**December 30, 2011**

1 KENNETH C. ESPELL, (SBN 178757)  
2 Real Estate Counsel II  
3 Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

6 Telephone: (916) 227-0789  
7 -or- (916) 227-0868 (Direct)

8  
9 **BEFORE THE DEPARTMENT OF REAL ESTATE**  
10 **STATE OF CALIFORNIA**

11 \* \* \*

12 In the Matter of the Application of )  
13 ELIAS ORDAZ, ) NO. H-11286 SF  
14 Respondent. ) STATEMENT OF ISSUES  
15 )

16 The Complainant, E. J. HABERER II, in his official capacity as a Deputy Real  
17 Estate Commissioner of the State of California, for this Statement of Issues against ELIAS  
18 ORDAZ (hereinafter "Respondent"), is informed and alleges as follows:

19 1

20 On or about August 12, 2009, Respondent first made application to the  
21 Department of Real Estate of the State of California (hereinafter "Department") for a real estate  
22 salesperson license. On or about April 22, 2009 the Department in DRE Case Number  
23 H-10911SF filed a *Statement of Issues* seeking to deny Respondent's application for a real  
24 estate salesperson licensee. On or about July 17, 2010, with an effective date of August 23,  
25 2010, the Commissioner issued his decision denying Respondent's application.

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On or about July 10, 2011, Respondent again filed an application with the Department for a real estate salesperson license.

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On or about August 15, 2006, in the Superior Court of the State of California, County of Santa Clara, Case Number BB517018, Respondent was convicted of violating Health and Safety Code § 11550 (Under the influence of a controlled substance) and Health and Safety Code § 11377 (possession of a controlled substance), both misdemeanors which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, (hereinafter "Regulations") to the qualifications, functions, or duties of a real estate licensee.

4

On or about August 1, 2006, in the Superior Court of the State of California, County of Santa Clara, Case Number CC633782, Respondent was convicted of violating Health and Safety Code § 11378 (Possession for sale of a controlled substance), a felony which bears a substantial relationship under § 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

5


On or about March 20, 2008, in the Superior Court of the State of California, County of Santa Clara, Case Number CC894760, Respondent was convicted of violating Vehicle Code § 23152(b) (Driving with blood alcohol over .08%), a misdemeanor which bears a substantial relationship under § 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

6

Respondent's conviction, as alleged in Paragraphs 3 through 5, above, constitutes 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.

1  
2 In addition, Respondent's application of July 10, 2011, for a salesperson license  
3 was submitted to the Department less than one (1) year from the effective date of the  
4 Commissioner's Order denying Respondent's first application for a real estate salesperson  
5 license which constitutes additional cause for denial of Respondent's current application  
6 pursuant to Section 489 of the California Business and Professions Code (Agency may deny an  
7 application if applicant was denied a license less than one year prior to present, pending  
8 application).

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

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15   
16 E. J. HABERER II  
17 Deputy Real Estate Commissioner

18 Dated at Oakland, California,  
19 this 16TH day of DECEMBER, 2011.

20  
21  
22 DISCOVERY DEMAND:

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