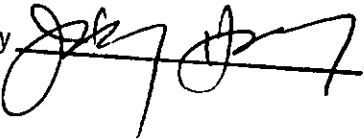


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FILED
MAY 22 2001
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-25993 LA
ESAU EDUARDO TENORIO,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On June 6, 1995, an Order was rendered herein, denying the Respondent's application for a 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 February 20, 1996 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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2 On July 28, 2000, Respondent petitioned for the
3 removal of restrictions attaching to Respondent's real estate
4 salesperson license.

5 I have considered the petition of Respondent and the
6 evidence submitted in support thereof. Respondent has
7 demonstrated to my satisfaction that Respondent meets the
8 requirements of law for the issuance to Respondent of an
9 unrestricted real estate salesperson license and that it would
10 not be against the public interest to issue said license to
11 Respondent.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for removal of restrictions is granted and that a real
14 estate salesperson license be issued to Respondent if Respondent
15 satisfies the following conditions within nine (9) months from
16 the date of this Order:

17 1. Submittal of a completed application and payment
18 of the fee for a real estate salesperson license.

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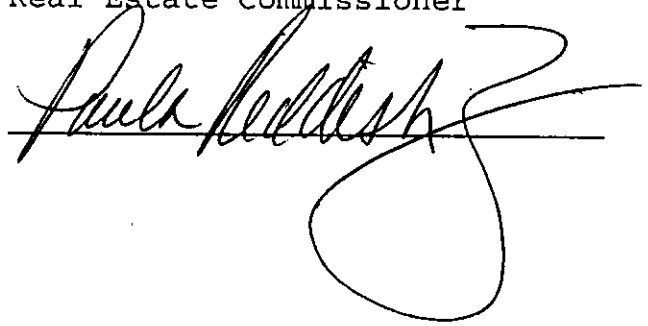
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2 b. Submittal of evidence of having, since the most
3 recent issuance of an original or renewal real estate license,
4 taken and successfully completed the continuing education
5 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
6 for renewal of a real estate license.

7 This Order shall be effective immediately.

8 Dated: May 14, 2001

9 PAULA REDDISH ZINNEMANN
10 Real Estate Commissioner

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25 cc: Esau Eduardo Tenorio
26 1523 1/2 Redondo Blvd.
27 Los Angeles, CA 90019

FILED
JUN 08 1995

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Raquel B. Pera

* * *

In the Matter of the Application of)	
ESAU EDUARDO TENORIO,)	NO. H-25993 LA
Respondent.)	L-9501118

DECISION

The Proposed Decision dated May 5, 1995, 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 salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at
12 o'clock noon on June 28, 1995.

IT IS SO ORDERED 6-6, 1995.

JIM ANTT, JR.
Real Estate Commissioner

J. Antt Jr.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application) Case No. H-25993 LA
of:)
) OAH No. L-9501118
)
ESAU EDUARDO TENORIO,)
)
) PROPOSED DECISION
Respondent.)
_____)

This matter came on regularly for hearing before Janis S. Rovner, Administrative Law Judge of the Office of Administrative Hearings, State of California, at Los Angeles, California, on March 8, 1995.

The Department of Real Estate ("complainant" or "Department") was represented by Marjorie Mersel, Staff Counsel. Respondent Esau Eduardo Tenorio ("respondent") appeared on his own behalf, without counsel.

The record was left open until April 7, 1995, for the Department to submit (1) proof that respondent was convicted of the crime alleged in paragraph III of the Statement of Issues and (2) a certified copy of the minutes of the proceeding relating to that conviction. Proof of the conviction alleged in paragraph III in the form of a certified comparison of fingerprint impressions from the Bureau of Criminal Identification and Information consisting of three pages is admitted as Exhibit 5. A certified copy of the minutes of the criminal proceeding alleged in paragraph III of the Statement of Issues is appended to, and admitted as, Exhibit 3.

Respondent was given until April 28, 1995, to file his response to Exhibits 3 and 5. No response having been received as of this date, the record in this case is closed.

Oral and documentary evidence was received and the matter was argued. The case was submitted for decision on May 5, 1995. The Administrative Law Judge finds the following facts:

FINDINGS OF FACT

1. Steven J. Ellis, Deputy Real Estate Commissioner of the State of California, made the charges and allegations contained in the Statement of Issues, and caused the Statement of Issues to be filed, solely in his official capacity on behalf of the Commissioner of the Department of Real Estate of the State of California ("complainant").

2. On or about November 18, 1993, respondent filed his application for licensure as a real estate salesperson with the Department.

3. (a) On September 28, 1989, in the Municipal Court, San Fernando Judicial District, County of Los Angeles, respondent was convicted of the crime of taking a vehicle without the owner's consent, a violation of Vehicle Code Section 10851(a) and a misdemeanor. Respondent's conviction followed entry of his plea of nolo contendere to the crime. A second count alleging a violation of Penal Code Section 496.1 (receiving stolen property) was dismissed pursuant to Penal Code Section 1385.

(b) Imposition of sentence was suspended and respondent was placed on probation for 24 months subject to certain terms and conditions. The terms included making restitution in the sum of at least \$2,850 to the victim of his crime and spending 45 days in jail. Respondent's probation was revoked on several occasions for failure to pay restitution on a timely basis. However, restitution in full was remitted as of January 14, 1992, and probation was reinstated on the same terms and conditions.

(c) The crime of which respondent was convicted involves moral turpitude on its face.

(d) Respondent readily admits that the criminal conduct underlying his conviction occurred when he was apprehended while driving a stolen car. He knew the car was stolen.

(e) Respondent's crime is substantially related to the qualifications, functions and duties of a real estate salesperson in that he appropriated property belonging to another person in committing the crime.

4. (a) It was not shown that respondent committed or was convicted of the crimes referred to in Paragraph III of the Statement of Issues. It was shown that respondent was arrested at the same time as James Antonio Terronez, the person who was convicted of the crimes referred to in Paragraph III of the

Statement of Issues. Respondent was subsequently released. Respondent was never charged with, or convicted of, the referenced crimes.

(b) It was not established that respondent ever used the name James Antonio Terronez as an alias. Moreover, the birth date of James Antonio Terronez is January 4, 1971. Respondent's birth date is July 20, 1971. James Antonio Terronez and respondent are two different people.

(c) The fingerprints of respondent submitted by complainant (Exhibit 5) only show that respondent was arrested. They do not show that he was charged or convicted. They do not show that he and James Antonio Terronez are the same person.

5. The following facts evidence the steps that respondent has taken toward rehabilitating himself:

(a) Respondent is a 23 year old man who is sincerely attempting to overcome his past. Since January of this year, he has been active in the Victory Outreach program. This is a ministry that assists former gang members in re-directing their lives.

(b) Respondent has been attending junior college over the past few years. He is five classes shy of attaining his associate of arts degree.

(c) Respondent has had several jobs over the last few years. It is clear that he is industrious and has a strong work ethic.

(d) The conviction referred to in Finding 3, above, was expunged pursuant to Penal Code Section 1203.4.

(e) Over five years have elapsed since the conviction referred to in Finding 3, above.

(f) Respondent fully disclosed his conviction on his application for licensure.

(g) Respondent made restitution to the victim of his crime.

(h) Respondent presented himself as a credible witness at the hearing.

(i) Respondent is making sincere efforts to make himself successful and improve his life. He fully assumes responsibility for his criminal conduct.

6. Respondent's candor was never more evident at the hearing than when he admitted that he had also been convicted of two other misdemeanors. He disclosed one of the misdemeanors in his application for licensure and the other one occurred after he filed the application. One conviction was for driving with a suspended license and the other was for public drunkenness. It was not shown that these crimes involved moral turpitude or that they were substantially related to the qualification, functions and duties of a real estate licensee.

7. While evidence of respondent's rehabilitation is persuasive, he did not prove that his rehabilitation is complete. Notwithstanding this fact, it would not be contrary to the public interest to issue a restricted salesperson's license to respondent subject to appropriate conditions.

* * * * *

DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1. Cause exists to deny respondent's application for a real estate salesperson's license pursuant to Sections 480 and 10177(b) of the Business and Professions Code ("BPC"), by reason of Finding 3.

2. No further cause to deny respondent's application for a real estate salesperson's license was found to exist pursuant to BPC Sections 480 and 10177(b) based on Finding 4.

3. Based upon Finding 5, it would not be contrary to the public interest to issue a properly restricted conditional license to respondent.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent Esau Eduardo Tenorio for a real estate salesperson's license is denied; provided, however, a restricted real estate salesperson's license shall be issued to

respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to the respondent shall be subject to all of the provisions of BPC Section 10156.7 and to the following limitations, conditions, and restrictions imposed under authority of BPC Section 10156.6:

1. The license shall not confer any property right in the privileges to be exercised, and the Commissioner of the Department of Real Estate ("Commissioner") may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

3. 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 real estate broker on a form approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent's restricted real estate salesperson's license shall be issued subject to the requirements of BPC Section 10153.4. Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in BPC Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present

satisfactory evidence of successful completion of the courses, the conditional license shall be automatically suspended effective eighteen (18) months after issuance of respondent's original real estate license. The suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

Pursuant to BPC Section 10154, if respondent has not satisfied the requirements for an unqualified license under BPC Section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to BPC Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

5. Respondent shall report in writing to the Department as the Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect, information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem appropriate to protect the public interest.

DATED: May 5, 1995



JANIS S. ROVNER
Administrative Law Judge
Office of Administrative Hearings

Sachs

MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
NOV 10 1994

DEPARTMENT OF REAL ESTATE

By *Raquel Vera*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-25993 LA
ESAU EDUARDO TENORIO,) <u>STATEMENT OF ISSUES</u>
Respondent(s).)

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ESAU EDUARDO TENORIO, aka James Antonio Terronez, aka James Harinankou, aka James Harold Strathy, aka Esau Eddie Tendrio (hereinafter "Respondent"), alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

II

Respondent, pursuant to the provisions of Section 10152, Division 4 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a

1 real estate salesperson license on or about November 18, 1993 and
2 December 24, 1993.

3 III

4 On or about June 1, 1993, in the Superior Court of
5 California, County of Los Angeles, Respondent pled guilty to and
6 was convicted of violating Section 10851(A) of the Vehicle Code
7 (Taking a vehicle without owner's consent) and 148.9(a) of the
8 Penal Code (Giving false information to police), felonies and
9 crimes involving moral turpitude which bear a substantial
10 relationship under Section 2910, Title 10, California Code of
11 Regulations, to the qualifications, functions or duties of a real
12 estate licensee.

13 IV

14 On or about September 28, 1989, in the Municipal Court
15 San Fernando Judicial District, County of Los Angeles, State of
16 California, Respondent was convicted of the crime of violating
17 Section 10851(A) of the Vehicle Code (Taking vehicle without
18 owner's consent), and Penal Code Section 496.1 (Receiving Stolen
19 Property), crimes involving moral turpitude which bear a
20 substantial relationship under Section 2910, Title 10, California
21 Code of Regulations to the qualifications, functions or duties of
22 a real estate licensee.

23 The crimes of which Respondent was convicted, as alleged
24 in Paragraphs III and IV, above, constitute cause for denial of
25 Respondent's application for a real estate license under Sections
26 480(a) and 10177(b) of the Business and Professions Code.

27 These proceedings are brought under the provisions of

1 Section 10100, Division 4 of the Business and Professions Code of
2 the State of California and Sections 11500 through 11528 of the
3 Government Code.

4
5 WHEREFORE, the Complainant prays that the above-entitled
6 matter be set for hearing and, upon proof of the charges contained
7 herein, that the Commissioner refuse to authorize the issuance of,
8 and deny the issuance of a real estate salesperson license to
9 Respondent ESAU EDUARDO TENORIO, aka James Antonio Terronez, aka
10 James Harinankou, aka James Harold Strathy, aka Esau Eddie
11 Tendrio, and for such other and further relief as may be proper in
12 the premises.

13 Dated at Los Angeles, California
14 this 10th day of November, 1994.

15
16 STEVEN J. ELLIS
17 Deputy Real Estate Commissioner
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25 cc: Esau Eduardo Tenorio
26 Galindo Financial Corp.
27 ✓ Sacto.
CGT