

JAN 12 2023

DEPT. OF REAL ESTATE

By _____

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-42490 LA
12)
13 MARCOS NUNEZ,) STATEMENT OF ISSUES
14)
15 Respondent.)
16)

15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
16 State of California, acting in her official capacity, for Statement of Issues against MARCOS
17 NUNEZ aka Marcos Alfredo Nunez (“Respondent”) alleges as follows:

18 1.

19 On or about May 25, 2021, Respondent made application to the Department of
20 Real Estate of the State of California for a real estate salesperson license.

21
22 (CRIMINAL CONVICTIONS)

23 2.

24 In aggravation, on or about June 1, 2007, in the Superior Court of California,
25 County of Santa Barbara, case no. 1235953, Respondent was convicted of violating California
26 Penal Code section 626.10(a) (possession of knife at school), a misdemeanor. Respondent was
27

1 sentenced, in part, to serve three (3) years of unsupervised probation, serve forty five (45) hours
2 of community work service, and pay various fines and fees.

3 3.

4 In aggravation, on or about May 25, 2010, in the Superior Court of California,
5 County of Los Angeles, case no. 9CA10303, Respondent was convicted of violating California
6 Penal Code section 666-484(a) (theft with prior theft conviction), a misdemeanor. Respondent
7 was sentenced, in part, to serve twenty four (24) months of summary probation, serve thirty
8 (30) days in jail, and pay various fines and fees. On or about March 19, 2018, this conviction
9 was dismissed pursuant to California Penal Code section 1203.4.

10 4.

11 On or about September 8, 2010, in the Superior Court of California, County of
12 Los Angeles, case no. KA091840, Respondent was convicted of violating three (3) counts of
13 California Penal Code section 459 (burglary), all felonies. Respondent was sentenced, in part,
14 to serve three (3) years of probation, serve three hundred sixty five (365) days in jail, and pay
15 various fines and fees. On or about February 11, 2020, these three (3) felony convictions were
16 reduced to misdemeanor convictions pursuant to California Penal Code section 1170.18(g) and
17 Proposition 47, and re-designated the three (3) convictions as violations of California Penal
18 Code section 459.5 (shoplifting). Said crimes bear a substantial relationship to the
19 qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10,
20 Chapter 6, California Code of Regulations.

21 5.

22 On or about January 7, 2014, in the Superior Court of California, County of San
23 Bernardino, case no. FCH1000453, Respondent was convicted of violating California Penal
24 Code section 459 (second degree commercial burglary), a felony.¹ Respondent was sentenced,
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26 ¹ The Superior Court of California, County of Los Angeles designated this case in its system as
27 case no. MA062880 for tracking purposes in order to accept the case on transfer from San
Bernardino for probation purposes.

1 in part, to serve thirty six (36) months of supervised probation, serve three hundred sixty five
2 (365) days in jail, pay victim restitution, and pay various fines and fees. Said crime bears a
3 substantial relationship to the qualifications, functions, or duties of a real estate licensee under
4 Section 2910, Title 10, Chapter 6, California Code of Regulations.

5 6.

6 On or about August 27, 2018, in the Superior Court of California, County of Los
7 Angeles, case no. 8AN02139, Respondent was convicted of violating California Vehicle Code
8 section 20002(a) (hit and run with property damage), a misdemeanor. Respondent was
9 sentenced, in part, to serve thirty six (36) of summary probation, perform five (5) days of
10 community labor, and pay various fines and fees. Said crime bears a substantial relationship to
11 the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10,
12 Chapter 6, California Code of Regulations.

13 7.

14 The crimes of which Respondent was convicted as alleged above in Paragraphs
15 4, 5, and 6, above, constitute cause for denial of Respondent's application for a real estate
16 license under California Business and Professions Code sections 475(a)(2), 480(a), and
17 10177(b).

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24 These proceedings are brought under the provisions of Section 10100, Division
25 4 of the Business and Professions Code of the State of California and Sections 11500 through
26 11528 of the California Government Code.

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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 MARCOS NUNEZ and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California: January 11, 2023.

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: MARCOS NUNEZ
Jason Parson
Veronica Kilpatrick
Sacto