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**FILED**  
FEB 24 1997  
DEPARTMENT OF REAL ESTATE

By *Laura B. Orme*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) No. H-923 SA  
)  
)  
GARY STEVEN AGUILAR )  
)  
Respondent. )  
)  
)  
\_\_\_\_\_ )

ORDER DENYING REINSTATEMENT OF LICENSE

On May 29, 1990, a Decision was rendered herein  
revoking the real estate salesperson license of GARY STEVEN  
AGUILAR (hereinafter referred to as Respondent), effective June  
21, 1990. Respondent was given the right to apply for and  
receive a restricted real estate salesperson license but he  
failed to exercise this right in a timely manner.

On September 9, 1996, Respondent petitioned for  
reinstatement of said real estate salesperson license and the  
Attorney General of the State of California has been given  
notice of the filing of said Petition.

1  
2 I have considered the petition of Respondent and the  
3 evidence submitted in support thereof. Respondent has failed to  
4 demonstrate to my satisfaction that he has undergone sufficient  
5 rehabilitation to warrant the reinstatement of his real estate  
6 salesperson license at this time. This determination has been  
7 made in light of Respondent's history of acts and conduct which  
8 are substantially related to the qualifications, functions and  
9 duties of a real estate licensee. That history includes:

10 I

11 During the last two years Respondent has solicited at  
12 least five persons, including Lisko, Hinojosa, Moore, Chavez and  
13 Arnds, to take out loans secured by liens on real property with  
14 various lenders and to use Gabriel Ornelas as their real estate  
15 broker. For said service Respondent received compensation from  
16 Ornelas amounting to 60% of the commission eventually received  
17 by Ornelas.

18 II

19 The activities of Respondent, as set forth in  
20 Paragraph I, are those of a licensed real estate broker as  
21 described in Section 10131(d) of the California Business and  
22 Professions Code (Code). By conducting such activities without a  
23 license Respondent was in violation of Section 10130 of the  
24 Code. This is evidence of a lack of rehabilitation and is cause  
25 to deny his petition pursuant to Section 10177(d) of the Code.

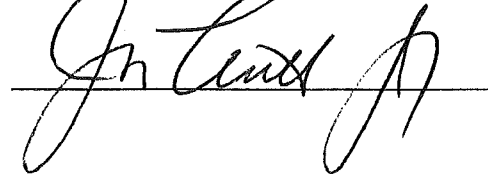
26 NOW, THEREFORE, IT IS ORDERED that Respondent's  
27 petition for reinstatement of license is denied.

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This Order shall become effective at 12 o'clock  
noon on March 17, 1997.

DATED; 2-18-97

JIM ANTT JR.  
Real Estate Commissioner



GARY STEVEN AGUILAR  
21411 Marston Court  
Moreno Valley, California 92557

Sac/Flay

DEPARTMENT OF REAL ESTATE

JUN - 1 1990

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY C. Berry

\* \* \* \*

In the Matter of the Accusation of )  
 )  
GARY STEVEN AGUILAR, )  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

No. H- 923 SA

DECISION

The Proposed Decision dated May 23, 1990, of Randolph L. Brendia, Regional Manager, Department of Real Estate, State of California, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

The Decision shall become effective at 12 o'clock noon on June 21, 1990.

IT IS SO ORDERED May 29, 1990

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

by: John R. Liberator  
JOHN R. LIBERATOR  
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-923 SA
GARY STEVEN AGUILAR,	)
	)
	)
	)
Respondent.	)
_____	)

PROPOSED DECISION

This matter was presided over as an uncontested case by Randolph L. Brendia, Regional Manager, Department of Real Estate, as designee of the Real Estate Commissioner, in Los Angeles, California, on May 23, 1990.

Frank M. Buda, Counsel, represented the complainant.

Respondent, GARY STEVEN AGUILAR, was not present, having signed a Waiver of Appearance.

This matter was submitted upon the written Stipulation of the parties and, pursuant thereto, the following Decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

GARY STEVEN AGUILAR (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent is licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate salesperson.

#### IV

On or about February 27, 1989, respondent filed an application for a real estate salesperson license. In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law? (you may omit any traffic violation where the disposition was a fine and the amount was \$100 or less)", respondent marked the answer box denoting "No".

#### V

On or about July 30, 1986, in the Municipal Court, North Orange County Judicial District, County of Orange, State of California, respondent was convicted of violating five counts of Penal Code Section 314.1 (indecent exposure).

#### VI

Respondent, in consultation with his legal counsel, did not appear at this administrative hearing and did instead waive his right to appear by signing a Waiver of Appearance.

#### DETERMINATION OF ISSUES

##### I

The crimes of which respondent was convicted bear a substantial relationship to the qualifications, functions or duties of a real estate licensee and are crimes involving moral turpitude.

##### II

Respondent's criminal convictions as set forth in Paragraph V, above, are cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

##### III

Respondent's failure to reveal the convictions against him as set forth in Paragraph V, above, in said application, constitutes the procurement of a real estate license by knowingly making a false statement of fact required to be revealed in said application, which failure is cause under Sections 490 and 10177(a) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:


ORDER

The license of respondent, GARY STEVEN AGUILAR, to act as a real estate salesperson is hereby revoked; provided, however, respondent shall be entitled to apply for, and be issued a restricted real estate salesperson license pursuant to Business and Professions Code (hereinafter BPC) Section 10156.5, if respondent makes application therefore and pays the Department the appropriate fee for said license within 180 days from the effective date of the Decision herein. The restricted license issued to respondent shall be subject to the provisions of BPC Section 10156.7 and 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 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) to a crime which bears a significant relation 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, Regulations of the Real Estate 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 one year has 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 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 performance of acts for which a license is required.
4. Respondent shall within twelve (12) months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
5. Respondent shall, within six (6) months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

DATED: May 23, 1990.

  
RANDOLPH L. BRENDIA  
Regional Manager  
Department of Real Estate



*Suits*

FRANK M. BUDA, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
(213) 620-4790

FILED

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DEPARTMENT OF REAL ESTATE  
BY C. Berry

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-923 SA
GARY STEVEN AGUILAR, )	<u>A C C U S A T I O N</u>
)	
)	
)	
)	
Respondent. )	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against GARY STEVEN AGUILAR, alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this accusation in his official capacity.

II

On or about March 17, 1989, GARY STEVEN AGUILAR (hereinafter respondent) was issued a real estate salesperson license and has continuously thereafter been and is presently licensed and/or has license rights under the Real Estate Law

1 (Part 1 of Division 4 of the Business and Professions Code).

2 III

3 In response to Question 25 of said application, to wit:  
4 "Have you ever been convicted of any violation of law? (you may  
5 omit any traffic violation where the disposition was a fine and  
6 the amount was \$100 or less)", respondent marked the answer box  
7 denoting "No".

8 IV

9 On or about July 30, 1986, in the Municipal Court,  
10 North Orange County Judicial District, County of Orange, State  
11 of California, respondent was convicted of violating five counts  
12 of Penal Code Section 314.1 (indecent exposure), crimes involving  
13 moral turpitude.

14 V

15 The crimes of which respondent was convicted bear a  
16 substantial relationship to the qualifications, functions or  
17 duties of a real estate licensee.

18 VI

19 Respondent's failure to reveal the conviction against  
20 him as set forth in Paragraph IV, above, in said application  
21 constitutes the procurement of a real estate license by fraud,  
22 misrepresentation or deceit, or by making a material misstatement  
23 of fact in said application, which is cause for suspension or  
24 revocation of respondent's real estate license under  
25 Sections 490 and/or 10177(a) of the Business and Professions Code  
26 of the State of California.

27 /

VII

Respondent's criminal conviction, as alleged above, is cause under Sections 490 and/or 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondent GARY STEVEN AGUILAR under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana, California  
this 13th day of November, 1989.

THOMAS MCCRADY

Deputy Real Estate Commissioner

cc: Gary Steven Aguilar  
Gabriel Provincio Ornelas  
Sacto.  
AG