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DEPARTMENT OF REAL ESTATE

By *Juan Belmont*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-1487 FR
ALBERTO ROMERO SANCHEZ,	)	
	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 22, 2001, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On January 14, 2004, 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 the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would

///

1 not be against the public interest to issue said license to  
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's  
4 petition for reinstatement be and hereby is granted and that a  
5 real estate salesperson license be issued to Respondent if  
6 Respondent satisfies the following conditions within nine (9)  
7 months from the date of this order:

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

10 2. Submittal of evidence of having, since the most  
11 recent issuance of an original or renewal real estate license,  
12 taken and successfully completed the continuing education  
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
14 for renewal of a real estate license.

15 This Order shall become effective immediately.

16 DATED: 11-8-05, 2005.

17 JEFF DAVI  
18 Real Estate Commissioner

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FILED  
DEC 26 2001

DEPARTMENT OF REAL ESTATE  
By Laurie A. Zinn

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
ALBERTO ROMERO SANCHEZ, )	NO. H-1487 FR
)	OAH NO. N-2001070023
)	
Respondent. )	

ORDER DENYING RECONSIDERATION

On October 10, 2001, a Decision was rendered in the above-entitled matter. The Decision is to become effective November 26, 2001.

On November 21, 2001, Respondent petitioned for reconsideration of the Decision of October 10, 2001.

On December 10, 2001, Respondent submitted a Supplemental Declaration. Pursuant to Government Code section 11521(b), the reconsideration has been limited to the record presented at the administrative hearing.

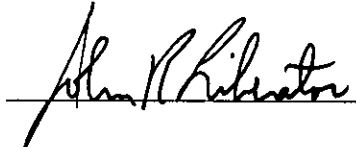
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I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of October 10, 2001 and reconsideration is hereby denied.

IT IS HEREBY ORDERED December 26, 2001.

PAULA REDDISH ZINNE MANN  
Real Estate Commissioner

  
\_\_\_\_\_



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
NOV 02 2001

DEPARTMENT OF REAL ESTATE

\* \* \*

In the Matter of the Accusation of )  
ALBERTO ROMERO SANCHEZ, )  
Respondent. )

By Shelly Ely  
NO. H-1487 FR

OAH NO. N2001070023

**DECISION**

The Proposed Decision dated October 10, 2001, 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 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.

This Decision shall become effective at 12 o'clock noon  
on November 26, 2001.

IT IS SO ORDERED October 22, 2001.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

ALBERTO ROMERO SANCHEZ,

Respondent.

Case No. H-1487 FRESNO

OAH No. N2001070023

**PROPOSED DECISION**

Administrative Law Judge Catherine B. Frink, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on September 27, 2001.

Michael B. Rich, Counsel, represented the complainant.

Respondent was present and was represented by Lawrence C. Beaver, Attorney at Law, 821 Thirteenth Street, Suite I, P.O. Box 1023, Modesto, California 95353-1032.

Evidence was received, the hearing was closed, and the matter was submitted on September 27, 2001.

**FACTUAL FINDINGS**

1. The complainant, John W. Sweeney, a Deputy Real Estate Commissioner of the State of California, filed the Accusation and First Amended Accusation in his official capacity and not otherwise.
2. Alberto Romero Sanchez ("respondent") is presently licensed and/or has license rights under the Real Estate Law, (Part 1 of Division 4 of the California Business and Professions Code) as a real estate salesperson. Said license is due to expire on July 20, 2003.
3. Respondent was issued a real estate salesperson license by the Department of Real Estate of the State of California ("the Department") on July 21, 1999, following respondent's application therefor filed on July 2, 1999. Said license was issued with the

knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code section 10153.4. Respondent subsequently submitted evidence to the Department of successful completion at an accredited institution of two courses listed in Business and Professions Code section 10153.2.

4. On May 4, 1992, in the Municipal Court of California, County of Stanislaus, in Case No. CHP SL22107, respondent was convicted of a violation of Vehicle Code section 10852, Willfully Injure or Tamper With a Vehicle or the Contents Thereof or Break or Remove Parts Therefrom Without Consent of the Owner, a misdemeanor. The facts and circumstances underlying the conviction are that, prior to January 30, 1992, respondent purchased an all-terrain vehicle ("ATV") from his cousin. On January 30, 1992, respondent was driving the ATV on the freeway when he attempted to take the ATV "off-road" and was stopped by a California Highway Patrol ("CHP") officer. When the CHP officer checked the registration of the vehicle, he determined that the vehicle had been reported stolen. It was later determined that certain equipment had been removed from the vehicle. Respondent was not aware that the vehicle had been stolen.

5. The crime of which respondent was convicted involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee as defined in Title 10, California Code of Regulations ("10 CCR") section 2910(a) (8), doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

6. As a consequence of the conviction, respondent was ordered to pay a \$500 fine. He was not placed on probation. Respondent paid the fine as ordered by the court.

7. On respondent's application for a real estate salesperson license, the following language appears on the printed form after Question 23, in a box with shaded edges for added emphasis:

❖ ***Carefully read and provide detailed answers to questions #24-26.***

**You must provide a *yes* or *no* response to all questions.**

❖ "Convicted" as used in Question 25 includes a verdict of guilty by judge or jury, a plea of guilty or of nolo contendere, or a forfeiture of bail in municipal, superior or federal court. All convictions must be disclosed whether or not the plea or verdict was set aside, the conviction against you was dismissed, or expunged or if you have been pardoned. Convictions occurring while you were a minor must be disclosed unless the record of conviction has been sealed under Section 1203.45 of the California Penal Code or Section 781 of the California Welfare and Institutions Code.

8. Question 25 on the application states as follows:



“25. HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? (YOU MAY OMIT CONVICTIONS FOR DRUNK DRIVING, RECKLESS DRIVING, AND MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE). IF YES, COMPLETE #27 BELOW.”

9. Question 27 on the application states as follows:

“27. DETAILED EXPLANATION OF ITEMS 24-26. COMPLETE ONE LINE FOR EACH VIOLATION AND PROVIDE EXPLANATION BELOW. IF YOU ARE UNABLE TO PROVIDE THIS INFORMATION, A DETAILED EXPLANATION MAY SUFFICE. INDICATE WHETHER EACH CONVICTION WAS A MISDEMEANOR OR FELONY AT THE TIME THE CONVICTION OCCURRED. IF THE CONVICTION STATUS HAS BEEN SUBSEQUENTLY CHANGED OR REDUCED, NOTE THAT FACT IN THE AREA PROVIDED FOR ADDITIONAL INFORMATION. \*CODE SECTION VIOLATED (i.e., 484) \*\*CODE VIOLATED (i.e., PENAL CODE) \*\*\*DISPOSITION (i.e., PROBATION, PAROLE, FINE, LENGTH OF TERM, ETC.)”

Included as part of Question 27 is a chart with columns to provide information concerning court of conviction, arresting agency, date of conviction, type of conviction (felony or misdemeanor), code section violated, code violated, disposition, and case number. The license application includes an example of how to complete the chart, using a hypothetical misdemeanor conviction. There are blank lines below the chart for additional information.

10. In response to Question 25 of the license application, to wit: “Have you ever been convicted of any violation of law?” respondent answered “No.” Respondent signed the license application on June 30, 1999, thereby certifying under penalty of perjury under the laws of the State of California that the answers and statements on the license application were true and correct.

11. Respondent’s failure to reveal the conviction set forth in Finding 4 in his license application constituted the procurement of a real estate license by misrepresentation, and by making a material misstatement of fact in said application. At hearing, respondent first claimed that, at the time he filled out the application, he did not remember the conviction. He also testified that, when he went to court on the conviction, his attorney told him that the charge had been reduced to a misdemeanor, so he felt he had no criminal record, particularly since he was never on probation and only had to pay a fine. Finally, he testified that he did not read the application form, including the instructions for Questions 25 and 27, but simply filled in the “blanks” on the application.

The evidence is unclear as to whether respondent in fact “forgot” about the conviction because it seemed insignificant to him at the time it occurred and took place seven years

prior to his filling out the application for licensure. In any event, he had an obligation to insure the accuracy of the license application, which he signed under penalty of perjury. The application specifically states that all convictions must be disclosed, and includes a detailed explanation of the word "convicted." The instructions accompanying Question 27 make it clear that misdemeanor convictions must be disclosed. Respondent's answer to question 25 was false and misleading, and his failure to carefully read the application and determine whether or not his prior criminal conviction needed to be disclosed was, at a minimum, grossly negligent.

12. Pursuant to Business and Professions Code section 482(b), the Department has developed criteria to evaluate the rehabilitation of a licensee after a criminal conviction, which are set forth in Title 10, California Code of Regulations, section 2912. Such an analysis is unnecessary in this case, in that the First Amended Accusation does not allege the conviction set forth in Finding 4 above as grounds for disciplinary action. The sole basis for the Department's action herein is respondent's failure to disclose the conviction on his application for licensure (see First Amended Accusation, dated June 29, 2001, page 3, line 3). Nevertheless, respondent introduced evidence at hearing to show that he is rehabilitated from his 1992 conviction. Respondent was 22 years old at the time the conduct took place that led to his conviction. More than nine years have elapsed since the conviction. Respondent complied with the court order to pay a \$500 fine, and he was not placed on probation. The conviction has not been expunged. Respondent is married and the father of three children, ages 11, 8 and 7. He is active in his church and in charitable activities. Apart from his real estate courses, he has not pursued additional education for economic advancement.

13. Respondent is currently employed as a real estate salesperson for E. Sanchez Real Estate in Modesto. Eduardo Sanchez, respondent's uncle, is respondent's employing broker. Respondent has been engaged primarily in residential real estate sales, having completed at least 20 transactions while acting in a licensed capacity. Respondent introduced into evidence at hearing several letters attesting to his competence as a real estate salesperson and his personal honesty and integrity. Eduardo Sanchez also testified on respondent's behalf at hearing. Respondent has been an efficient, honest and reliable employee, about whom he has received many positive comments from clients. In his personal life, Eduardo Sanchez confirmed that respondent is dedicated to his family and to church.

14. Respondent testified that, prior to his obtaining his real estate salesperson license, he worked in the construction industry installing floor covering. After he underwent an operation, he decided to pursue other employment opportunities, because floor covering installation took him away from his family. The flexibility of his schedule as a real estate agent allows him to spend time with his children and at church activities.

## LEGAL CONCLUSIONS

1. Business and Professions Code section 498 states as follows:

“A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.”

2. Business and Professions Code section 10177 states in pertinent part as follows:

“The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

“(a) Procured, or attempted to procure, a real estate license or license renewal, for himself or herself or any salesperson, by fraud, misrepresentation, or deceit, or by making any material misstatement of fact in an application for a real estate license, license renewal, or reinstatement.

“...”

3. Clear and convincing evidence to a reasonable certainty established cause for discipline of respondent's license and/or licensing rights pursuant to Business and Professions Code sections 498 and 10177(a) by reason of Findings 3, 4, 7, 8, 9, 10 and 11, in that respondent made a material misstatement in his real estate license application, thereby procuring his real estate salesperson license by fraud, misrepresentation or deceit.

4. Under all of the facts and circumstances, it would be contrary to the public interest to permit respondent to remain licensed as a real estate salesperson at this time, with or without a restricted license. Honesty and trustworthiness are qualities of utmost importance in a real estate licensee, who must frequently act in a fiduciary capacity. "Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee." Harrington v. Department of Real Estate (1989) 214 C.A.3d 394, 402. "If appellant's offenses reflect unfavorably on his honesty, it may be said he lacks the necessary qualifications to become a real estate salesperson." Harrington, supra, 214 C.A.3d at 402; Golde v. Fox, (1979) 98 Cal.App.3d 167, 176. "The Legislature intended to insure that real estate brokers and salespersons will be honest, truthful and worthy of the fiduciary responsibilities which they will bear." Harrington, supra, 214 C.A.3d at 402; Ring v. Smith (1970) 5 C.A.3d 197, 205.

Respondent's failure to disclose his criminal conviction on the application for licensure was an act of dishonesty. Had the Department discovered this omission prior to issuing a license to respondent, his conduct would have been grounds for denial of the license application. His "defense" that he did not read the license application carefully before filling it out is alarming; real estate licensees must read and interpret complex contracts and documents and must fill out paperwork and forms accurately and completely. Moreover, a real estate licensee, acting in a fiduciary capacity, must complete disclosure forms that are relied on by others. While respondent has apparently worked successfully as a real estate agent for two years, the fact remains that respondent obtained a license under false pretenses. The evidence did not establish that respondent can remain licensed at this time without harm to the public.

ORDER

All licenses and licensing rights of respondent Alberto Romero Sanchez under the Real Estate Law are revoked by reason of Legal Conclusions 3 and 4.

Dated: 10-10-01

Catherine B. Frink  
CATHERINE B. FRINK  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
AUG 15 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By Shelly Ely

ALBERTO ROMERO SANCHEZ

Case No. H-1487 FR

OAH No. N2001070023

Respondent

FIRST CONTINUED  
**NOTICE OF HEARING ON ACCUSATION**

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, 560 J STREET, SUITE 340/360, SACRAMENTO, CALIFORNIA 95814 on THURSDAY--SEPTEMBER 27, 2001, at the hour of 9:00 AM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: AUGUST 15, 2001

DEPARTMENT OF REAL ESTATE

By Larry Alvarado  
MICHAEL B. RICH, Counsel

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000  
6  
7 Telephone: (916) 227-0789

FILED  
JUL 05 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ALBERTO ROMERO SANCHEZ, ) No. H-1487 FRESNO  
13 Respondent.) ) FIRST AMENDED  
14 ) ACCUSATION

15 The Complainant, John W. Sweeney, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against ALBERTO ROMERO SANCHEZ (hereinafter "Respondent") is  
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license  
21 rights under the Real Estate Law (Part 1 of Division 4 of the  
22 California Business and Professions Code)(Code) as a real estate  
23 salesperson.

24 II

25 The Complainant, John W. Sweeney, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 against Respondent in his official capacity.

1 III

2 Respondent was issued a real estate salesperson license  
3 on or about July 21, 1999, following Respondent's application  
4 therefor filed on or about July 2, 1999 with the knowledge and  
5 understanding that any license issued as a result of said  
6 application would be subject to the conditions of Section 10153.4  
7 of the Business and Professions Code.

8 IV

9 In response to Question 25 of said application, to wit:  
10 "Have you ever been convicted of any violation of law?",  
11 Respondent answered "No".

12 V

13 On or about May 4, 1992, in the Municipal Court, State  
14 of California, Stanislaus County, in Case No. CHP SL22107  
15 Respondent was convicted of violation of Section 10852 of the  
16 California Vehicle Code (Willfully Injure or Tamper With A  
17 Vehicle or the Contents Thereof or Break or Remove Parts  
18 Therefrom Without Consent of the Owner), a crime involving moral  
19 turpitude which bears a substantial relationship under Section  
20 2910, Title 10, California Code of Regulations, to the  
21 qualifications, functions, or duties of a real estate licensee.

22 VI

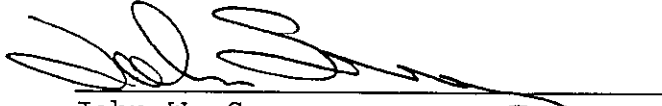
23 Respondent's failure to reveal the conviction set forth  
24 above in said application constitutes the procurement of a real  
25 estate license by fraud, misrepresentation, or deceit, or by  
26 making a material misstatement of fact in said application.

27 ///

VII

The facts alleged above constitute cause under Sections 498 and 10177(a) of the Code for the 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 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 provisions of law.

  
John W. Sweeney  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 29<sup>th</sup> day of June, 2001



BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
JUL 05 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

ALBERTO ROMERO SANCHEZ

} Case No. H-1487 FR

} OAH No. N2001070023

Respondent

NOTICE OF HEARING ON ACCUSATION

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, 560 J STREET, SUITE 340/360, SACRAMENTO, CALIFORNIA 95814 on TUESDAY--AUGUST 21, 2001, at the hour of 9:00 AM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JULY 5, 2001

By Michael B. Rich  
MICHAEL B. RICH Counsel

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000  
6  
7 Telephone: (916) 227-0789

FILED  
JUN 22 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ALBERTO ROMERO SANCHEZ, )  
13 Respondent. )  
14 \_\_\_\_\_ )

NO. H-1487 FRESNO  
ACCUSATION

15 The Complainant, John W. Sweeney, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against ALBERTO ROMERO SANCHEZ (hereinafter "Respondent") is  
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license  
21 rights under the Real Estate Law (Part 1 of Division 4 of the  
22 California Business and Professions Code) (Code) as a real estate  
23 salesperson.

24 II

25 The Complainant, John W. Sweeney, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 against Respondent in his official capacity.

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III

Respondent was issued a real estate salesperson license on or about July 21, 1999, following Respondent's application therefor filed on or about July 2, 1999, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

IV

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law?", Respondent answered "No".

V

On or about May 4, 1992, in the Superior Court, State of California, Los Angeles County, Respondent was convicted of violation of Section 10852 of the California Vehicle Code (Willfully Injure or Tamper With A Vehicle or the Contents Thereof or Break or Remove Parts Therefrom Without Consent of the Owner), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

VI


Respondent's failure to reveal the conviction set forth above in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application.

///

VII

The facts alleged above constitute cause under Sections 498 and 10177(a) of the Code for the 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 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 provisions of law.



JOHN W. SWEENEY  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 12<sup>th</sup> day of June, 2001