

APR 24 2008

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By [Signature]

* * *

In the Matter of the Application of)
) NO. H-2214 FR
 ROSALIO AVILA,)
)
) OAH NO. N2008010707
 Respondent.)
)

DECISION

The Proposed Decision dated March 21, 2008, 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 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 appended hereto.

This Decision shall become effective at 12 o'clock noon
on MAY 14 2008

IT IS SO ORDERED

JEFF DAVIS
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

ROSALIO AVILA,

Respondent.

Case No. H-2214 FR

OAH No. N2008010707

PROPOSED DECISION

Gary A. Geren, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on March 10, 2008, in Fresno, California.

James L. Beaver, Counsel, Department of Real Estate (Department), represented the complainant.

Rosalio Avila, respondent, was present and was represented by David H. Bartick, Attorney at Law.

The matter was submitted on March 10, 2008.

FACTUAL FINDINGS

1. Complainant, John Sweeney, Deputy Real Estate Commissioner, State of California, made the Statement of Issues, while acting in his official capacity.

2. On September 14, 2007, respondent applied for a real estate salesperson's license. The Department denied respondent's application because he suffered a criminal conviction.

Respondent's conviction

3. On May 18, 2001, in the United States District Court, Southern District of California, respondent was convicted of violating 21 United States Code, sections 952 and 960, importation of cocaine, a felony.

Respondent was assessed a fine of \$100, which the Court waived because of respondent's inability to pay. Respondent was ordered to serve 41 months in federal prison, of which respondent served 22 months, before being released. Respondent was then placed on "supervised release" (the federal analogue to state probation) for four years.

The facts and circumstances that gave rise to respondent's conviction are as follows: On February 12, 2000, respondent, along with his mother, attempted to smuggle 14.30 pounds of cocaine from Mexico to the United States. Respondent attempted to enter the United States at the San Ysidro port of entry in a 1997 Ford Explorer. An inspector noted two packages concealed within a jacket hanging inside the Explorer. The inspector then removed respondent and his mother from the vehicle. During a "patdown" search of respondent and his mother, the inspector discovered respondent had concealed a package in the front of his pants, and his mother had concealed three packages on her person. The inspector seized the packages. The contents were later tested and showed the packages contained cocaine.

Matters in aggravation

4. Respondent's crime involved an attempt to employ deceit for the furtherance of financial gain.

Mitigation

5. Respondent testified regarding the circumstance of his arrest. Respondent testified that at the time of his criminal sentencing, a federal judge, pursuant to the Federal Sentencing Guidelines, made specific findings regarding the commission of his crime. The factual basis supporting the judge's findings was corroborated by respondent's testimony at hearing. Both the judge's findings and respondent's testimony provides probative evidence of the circumstances regarding respondent's commission of the crime.

The federal judge who sentenced respondent found that his crime constituted aberrant conduct that "represented a marked deviation from otherwise law-abiding life." That respondent committed the offense "without significant planning" and that he played a minor role in the commission of the crime, being less culpable than was his codefendant. Respondent had no ownership interest in the contraband; and he was not aware of the type or the quantity of the drug that he was transporting. Lastly, the judge found that the primary reason respondent committed the crime was to earn money to pay for his mother's stomach surgery, a fact testified to by respondent.

Background

6. Prior to his conviction, respondent worked as a manager for Acapulco Restaurants, Inc. Respondent received numerous awards from the company, including being named on multiple occasions the corporation's "Manager of the Year." Respondent was also named to the company's "President's Honor Roll." The awards were given in recognition of

respondent's superior work. One of the "Manager of the Year" awards included a \$10,000 bonus and a trip to Cancun, Mexico. After his work in the restaurant business, respondent owned and successfully managed an automobile dealership in Fresno, California.

Rehabilitation

7. Respondent is remorseful for having committed his crime; he accepts full responsibility for having committed it.

Respondent served his sentence in a minimum security camp, without incident or receipt of discipline. Since his release in 2003, respondent has not violated any of the terms of his "supervised release." Respondent completed "supervised release" on November 16, 2007.

While serving his sentence, respondent obtained his General Educational Development (GED) from the California State Board of Education. Respondent also completed programs offered by the Bureau of Prisons, including a 500-Hour Residential Drug Abuse Program and a specialized eight-week long course for self-improvement titled, "The Five-Year Plan."

Respondent also completed three programs designed for improving family relationships. The completion of the program helped respondent to "get along better" with his family.

Since February 27, 2006, respondent has been enrolled at the University of Phoenix, seeking a Bachelor of Science degree in Business Administration. Respondent is now enrolled full-time and holds a Grade Point Average of 3.31. Respondent is scheduled to graduate in February 2009.

From May 2003 until September 2007, respondent worked for the Plaza Ventana Restaurant. Respondent now manages a community recreation hall, as well as attending college.

Respondent completed the real estate training program provided by "London Properties" and has been offered to work as a real estate salesperson for them, if he obtains his license.

Respondent has four children and enjoys a good relationship with them and his ex-wife. Respondent frequently visits with his children, taking his youngest daughter to school every other day. Respondent is current in his child support obligations.

Respondent attributes his completion of the "The Five-Year Plan" for providing him with a positive "outline" for how to live his life. Respondent "stays healthy," both emotionally and physically, by regularly exercising at a gym. His exercise regimen helps to better manage life's stresses.

He is active in the Latino Rotary Club, including his participation with the Club's charitable activities.

Respondent has undergone a change in attitude from that which he held at the time he committed his crime. Respondent has recommitted himself to living a lawful and productive life, and thus far has succeeded in doing so.

LEGAL CONCLUSIONS

Department's authority to discipline respondent

1. When an applicant has been convicted of a crime, the Department has the authority to deny the issuance of a license by virtue of Business and Professions Code section 10177, subdivision (b)¹. If the applicant suffered a misdemeanor conviction, the Department must show that the conviction involved "moral turpitude." The Department does not need to establish the presence of "moral turpitude" if the applicant suffered a felony conviction. *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554. The Department took the position at hearing that moral turpitude must be established, despite the holding in *Petropoulos*. To the extent that a Conclusion needs to be reached on the issue, respondent's crime did, in fact, did involve moral turpitude. (See *People v. Castro* (1985) 38 Cal.3d 301, 306; *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 400-401 ["...there is widespread agreement that convictions of crimes involving fraudulent intent and intentional dishonesty for personal gain establish moral turpitude as a matter of law."].)

2. Business and Professions Code, section 493, provides that the Department may consider the circumstances surrounding the commission of the applicant's crime to determine whether he or she should receive a license.²

¹ Business and Professions Code, section 10177 states:

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:

[¶...¶]

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

² Business and Professions Code section 493 states:

Substantial relationship requirement

3. In order for the Department to deny issuing an applicant a license, it must establish that the applicant's conviction has a substantial relationship to the qualifications, functions and duties required of a license holder. California Code of Regulations, title 10, section 2910, subdivision (a), sets forth a non-exclusive list of guidelines for determining whether a criminal conviction is considered to be "substantially related."³

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

³ California Code of Regulations, title 10, section 2910 states:

(a) When considering whether a license should be denied, suspended or revoked on the basis of the conviction of a crime, or on the basis of an act described in Section 480(a)(2) or 480(a)(3) of the Code, the crime or act shall be deemed to be substantially related to the qualifications, functions or duties of a licensee of the Department within the meaning of Sections 480 and 490 of the Code if it involves:

- (1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.
- (2) Counterfeiting, forging or altering on of an instrument or the uttering of a false statement.
- (3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state or local government.
- (4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.
- (5) Sexually related conduct affecting a person who is an observer or non- consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.
- (6) Willfully violating or failing to comply with a provision of Division 4 of the Business and Professions Code of the State of California.
- (7) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.
- (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.

Cause for denial of applicant's license

4. Respondent was convicted of attempting to smuggle cocaine into the United States, a felony involving moral turpitude. Respondent's felony conviction stems from a crime deemed by the Department to be substantially related to the qualifications, functions and duties of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910, subdivision (a)(4) and (8).

5. As set forth in Factual Findings 1 through 4, and Legal Conclusions 1 through 4, cause exists for the Department to deny issuing respondent a license.

Mitigation and Rehabilitation

6. The Department may issue a conditional or restricted license to an applicant who shows persuasive evidence of his or her mitigation or rehabilitation. Respondent's sole conviction stemmed from the commission of a crime that occurred over eight years ago. While the federal court judge's findings regarding respondent's sentencing are not binding, they do provide evidence in mitigation of respondent's conviction.

Respondent served his sentence and received an early release. Respondent has not re-offended and completed his four-year long supervised release. Respondent has taken meaningful steps towards self-improvement.

The Department has enacted a non-exhaustive list of criteria against which to weigh and evaluate respondent's evidence of rehabilitation. California Code of Regulations, title 10, section 2911.⁴

(9) Contempt of court or willful failure to comply with a court order.

(10) Conduct which demonstrates a pattern of repeated and willful disregard of law.

(11) Two or more convictions involving the consumption or use of alcohol or drugs when at least one of the convictions involve driving and the use or consumption of alcohol or drugs.

(b) The conviction of a crime constituting an attempt, solicitation or conspiracy to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions or duties of a licensee of the department.

(c) If the crime or act is substantially related to the qualifications, functions or duties of a licensee of the department, the context in which the crime or act were committed shall go only to the question of the weight to be accorded to the crime or acts in considering the action to be taken with respect to the applicant or licensee.

⁴ California Code of Regulations, title 10, section 2911, states:

The following criteria have been developed by the department pursuant to section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for

issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

- (a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.
- (c) Expungement of criminal convictions resulting from immoral or antisocial acts.
- (d) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.
- (e) Successful completion or early discharge from probation or parole.
- (f) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.
- (g) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.
- (h) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.
- (i) Completion of, or sustained enrollment in, formal education or vocational training courses for economic self-improvement.
- (j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.
- (k) Correction of business practices resulting in injury to others or with the potential to cause such injury.
- (l) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.
- (m) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.
- (n) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:

- (1) Testimony of applicant.

7. In addition to these regulations, case law provides guidance in assessing the weight to be given evidence of rehabilitation. Rehabilitation is a "state of mind" and the law looks with favor upon one who has achieved "reformation and regeneration." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058) and fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940). Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is demonstrated by sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991). The significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) Cal.3d 1061, 1070).

8. As set forth in Factual Findings 5-7, and Legal Conclusions 6 and 7, respondent established persuasive evidence in mitigation of his conviction, as well as his rehabilitation following; that it would not be contrary to public safety for the Department to issue him a restricted license on the facts presented in this matter.

ORDER

1. Respondent, Rosalio Avila's, application for a real estate salesperson license is denied, however, a restricted real estate salesperson license shall be issued to him pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions, imposed under authority of section 10156.6 of said Code:

2. 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) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(2) Evidence from family members, friends or other persons familiar with applicant's previous conduct and with his subsequent attitudes and behavioral patterns.

(3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.

(4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

(5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

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

3. 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 (2) years have elapsed from the date of issuance of the restricted license to respondent.

4. 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 RE 552 (Rev. 4/88) 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

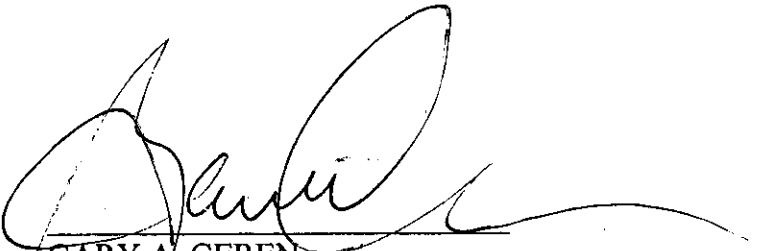
(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

5. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.4 of the Business and Professions Code, to wit:

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 a course in real estate practices and one of the courses listed in 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 timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, respondent has submitted the required evidence of course completion and the Commissioner has given written notice to respondent of lifting of the suspension.

6. Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under 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 Section 10153.4 until four (4) years after the date of the issuance of the preceding restricted license.

DATED: March 21, 2008



GARY A. GEREN
Administrative Law Judge
Office of Administrative Hearings

Section 11522 of the Government Code of the State of California:

11522. Reinstatement of License or Reduction of Penalty. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty. (Added by Stats. 1945, Ch. 867; amended by Stats. 1985, Ch. 587.)

CRITERIA OF REHABILITATION (*Denial*)

RE 573 (Rev. 10/03)

Your application for a real estate license or your petition to reinstate your real estate license has been denied. The reason(s) for denial is on the grounds set forth in the attached Decision or Order Denying Reinstatement. Set forth below is the Criteria of Rehabilitation. These criteria have been developed by the Department of Real Estate as guidelines to assist an applicant or former licensee to establish a rehabilitation program and in the presentation of his or her case should application again be made for licensure or a petition filed for either reinstatement of a license or removal of restrictions from a restricted license.

Not all of the factors listed in the criteria will be applicable in the case of every person who has had a license application or petition for reinstatement or removal of restrictions denied. Nor will each factor necessarily be given equal weight in evaluating the person's rehabilitation. Each person must decide which of these factors are applicable to his or her case and should then take appropriate steps toward rehabilitation to the end of satisfying the Real Estate Commissioner that it would not be against the public interest to grant the license in question.

2911. Criteria of Rehabilitation (*Denial*). The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

- (a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.
- (c) Expungement of criminal convictions resulting from immoral or antisocial acts.
- (d) Expungement or discontinuance of a requirement of registration pursuant to provisions of Section 290 of the Penal Code.
- (e) Successful completion or early discharge from probation or parole.
- (f) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.
- (g) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.
- (h) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.

- (i) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
- (j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.
- (k) Correction of business practices resulting in injury to others or with the potential to cause such injury.
- (l) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.
- (m) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.
- (n) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:
 - (1) Testimony of applicant.
 - (2) Evidence from family members, friends or other persons familiar with applicant's previous conduct and with his subsequent attitudes and behavioral patterns.
 - (3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.
 - (4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.
 - (5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

DEC 17 2007

DEPARTMENT OF REAL ESTATE
By L. Just

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) H-2214 FR
12 ROSALIO AVILA,)
13 Respondent.)
14

STATEMENT OF ISSUES

15 The Complainant, John Sweeney, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against ROSALIO AVILA (herein "Respondent"), alleges as follows:

18 I

19 On or about September 14, 2007, Respondent made
20 application to the Department of Real Estate of the State of
21 California for a real estate salesperson license with the
22 knowledge and understanding that, pursuant to the provisions of
23 Section 10153.3 of the Business and Professions Code (herein "the
24 Code"), any license issued as a result of said application would
25 be subject to the conditions of Section 10153.4 of the Code.

26 ///

27 ///

II

Complainant, John Sweeney, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

On or about May 18, 2001, in the United States District Court, southern District of California, Respondent was convicted of the crime of Importation Of Cocaine in violation of 21 United States Code Sections 952 and 960, a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910 of Chapter 6, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's criminal conviction described in Paragraph III, above, constitutes cause for the denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

WHEREFORE, 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, and for such other and further relief as may be proper in the premises.


John Sweeney
Deputy Real Estate Commissioner

Dated at Fresno, California

this 12th day of December 2007.