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FILED

JAN 11 2013

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Application of)

13)
14 DANIEL TRUJILLO,)

15 Respondent.)
16)

NO. H-2799 FR

STATEMENT OF ISSUES

17 The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner of the
18 State of California, for Statement of Issues against DANIEL TRUJILLO (herein "Respondent"),
19 is informed and alleges as follows:

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21 Complainant makes this Statement of Issues in her official capacity.

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23 Respondent made application to the Department of Real Estate of the State of
24 California for a real estate salesperson license on or about March 3, 2011.

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26 In response to Question 23 of said application, to wit: "Have you ever been
27 convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section 1203.4

1 must be disclosed. However, you may omit minor traffic citations which do not constitute a
2 misdemeanor or felony”, Respondent answered yes and disclosed the convictions described in
3 Paragraphs 4, 5, 6, and 7. In response to Question 23 of said application, Respondent concealed
4 and failed to disclose the convictions described in Paragraphs 8 and 9, below.

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6 On or about April 5, 1994, in the Superior Court, State of California, County of
7 Santa Clara, Respondent was convicted of the crime of False Identification, in violation of
8 Section 148.9 of the Penal Code, a misdemeanor that bears a substantial relationship under
9 Section 2910, Chapter 6, Title 10, California Code of Regulations (herein “the Regulations”),
10 to the qualifications, functions or duties of a real estate licensee.

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12 On or about April 27, 1998, in the Superior Court, State of California, County
13 of Madera, Respondent was convicted of the crime of Public Intoxication, in violation of
14 Section 647(f) of the Penal Code, a misdemeanor that bears a substantial relationship under
15 Section 2910, of the Regulations, to the qualifications, functions or duties of a real estate
16 licensee.

17 6

18 On or about October 14, 1999, in the Superior Court, State of California,
19 County of Santa Clara Diego, Respondent was convicted of Driving Under The Influence of
20 Alcohol, in violation of Section 23152(a) of the Vehicle Code, a misdemeanor that bears a
21 substantial relationship under Section 2910, the Regulations, to the qualifications, functions or
22 duties of a real estate licensee.

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24 On or about January 2, 2002, in the Superior Court, State of California, County
25 of Madera, Respondent was convicted of the crime of Driving Under The Influence of Alcohol,
26 in violation of Section 23152(a), a misdemeanor, which bears a substantial relationship under
27 Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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On about October 2, 2002, in the Superior Court, State of California, County of Tulare, Respondent was convicted of the crime of Driving On a Suspended License, in violation of Section 14601.2(a) of the Vehicle Code, a misdemeanor, which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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On about December 8, 2003, in the Superior Court, State of California, County of Madera, Respondent was convicted of the crime of Driving On a Suspended License, in violation of Section 14601.2(a) of the Vehicle Code, a misdemeanor, which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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The crimes of which Respondent was convicted as alleged above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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Respondent's failure to reveal in said application, the convictions set forth in Paragraphs 8 and 9, above, constitute the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said license renewal application, which failure is cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(c) and 10177(a) of the Business and Professions Code.

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1 WHEREFORE, the Complainant prays that the above-entitled matter be set
2 for hearing and, upon proof of the charges contained herein, that the Commissioner refuse
3 to authorize the issuance of, and deny the issuance of, a real estate salesperson license to
4 Respondent, and for such other and further relief as may be proper under other provisions of
5 law.

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9 
10 BREND A SMITH
11 Deputy Real Estate Commissioner

12 Dated at Fresno, California,
13 this 9 day of January 2013.

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15
16 DISCOVERY DEMAND

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18 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of
19 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
20 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
21 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
22 Office of Administrative Hearings deems appropriate.