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**FILED**

DEC - 3 2013

BUREAU OF REAL ESTATE

By H. Contreras

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
ARMANDO JAVIER PILOLA, )  
Respondent. )

NO. H-2849 FR

STATEMENT OF ISSUES

The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity against ARMANDO JAVIER PILOLA (herein "Respondent") and is informed and alleges as follows:

1

Respondent made application to the Bureau of Real Estate of the State of California for a real estate salesperson license on about May 1, 2012.

2

In response to Question 5 - CONVICTION DETAILS of Part D: BACKGROUND INFORMATION - of Respondent's license application described in Paragraph 1, above, to wit: "DETAILED EXPLANATION OF ITEM 1 AND/OR 2. COMPLETE ONE LINE FOR EACH VIOLATION AND PROVIDE EXPLANATION BELOW. IF YOU ARE UNABLE TO PROVIDE THIS INFORMATION, PROVIDE ALL THE REQUESTED INFORMATION YOU CAN OBTAIN WITH AN EXPLANATION FOR THE MISSING INFORMATION,"

1 Respondent concealed and failed to disclose the convictions described in Paragraphs 3 and 5,  
2 below.

3 3

4 On about January 8, 2005, in the Superior Court, State of California, County of  
5 Los Angeles, Respondent was convicted of the crime of Grand Theft, in violation of Section  
6 487(a) of the Penal Code, a misdemeanor that bears a substantial relationship under Section  
7 2910, Chapter 6, Title 10, California Code of Regulations (herein "the Regulations"), to the  
8 qualifications, functions or duties of a real estate licensee.

9 4

10 On about December 13, 2010, in the Superior Court, State of California, County  
11 of Fresno, Respondent was convicted of the crime of Driving Under the Influence of Alcohol, in  
12 violation of Section 23152(b) of the Vehicle Code, a misdemeanor which bears a substantial  
13 relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a  
14 real estate licensee.

15 5

16 On about May 3, 2011, in the Superior Court, State of California, County of  
17 Fresno, Respondent was convicted of the crime of Driving While License Suspended/Revoked,  
18 in violation of Section 14601.5(a) of the Vehicle Code, a misdemeanor which bears a substantial  
19 relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a  
20 real estate licensee.

21 6

22 Respondent's failure to reveal in the application for a license described in  
23 Paragraphs 1 and 2, above, the convictions described in Paragraphs 3 and 5, above, constitutes  
24 an attempt to procure a real estate license by fraud, misrepresentation, deceit, or by making a  
25 material misstatement of fact in said application, which failure is cause for denial of  
26 Respondent's current application for a real estate license under Sections 480(c) and 10177(a) of  
27 the Code.

The crimes of which Respondent was convicted as alleged above, constitutes 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.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Real Estate 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 under other provisions of law.

  
BREND A SMITH  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 22 day of November, 2013.

#### DISCOVERY DEMAND

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