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FILED

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BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of

LUIS ALBERTO FERNANDEZ,

Respondent.

No. H-3062 FR

STATEMENT OF ISSUES

The Complainant, BRENDA SMITH, in her official capacity as a Supervising Special Investigator of the State of California, brings this Statement of Issues against LUIS ALBERTO FERNANDEZ ("Respondent") and is informed and alleges as follows:

1

On or about January 22, 2015, Respondent made application to the Bureau of Real Estate of the State of California ("the Bureau") for a real estate salesperson license.

2

On or about September 27, 2013, in the Superior Court of California, County of Merced, Case No.CRL006267, Respondent was convicted of violating California Vehicle Code Section 23152(a) (driving under the influence), a misdemeanor that bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910, Title10, California Code of Regulations ("the Regulations").

On or about September 27, 2013, in the Superior Court of California, County of Merced, Case No. CRL010147, Respondent was convicted of violating California Vehicle Code Section 2800.2(a) (evading a peace officer), a felony, and California Vehicle Code Section 23152(a), a misdemeanor, both crimes that bear a substantial relationship to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about June 9, 2011, in the Superior Court of California, County of Santa Clara, Case No. FF720401, Respondent was convicted of violating California Vehicle Code Section 2800.2(a) (evading a peace officer) and Section 23103(a) (reckless driving), both felonies that bear a substantial relationship to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about June 9, 2011, in the Superior Court of California, County of Santa Clara, Case No. CC823317, Respondent was convicted of violating California Penal Code Section 529 (falsely personated another), a felony that bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about June 10, 2003, in the Superior Court of California, County of Santa Clara, Case No. CC266785, Respondent was convicted of violating California Vehicle Code Section 23152(a) (driving under the influence), a misdemeanor that bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about June 23, 1999, in the Superior Court of California, County of Santa Clara, Case No. CC9761566, Respondent was convicted of violating California Vehicle Code

1 Section 14601.1(a) (driving on a suspended or revoked license), a misdemeanor that bears a
2 substantial relationship to the qualifications, functions, or duties of a real estate licensee
3 pursuant to Section 2910 of the Regulations.

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5 The facts identified in Paragraph 2 through 7, above, constitute cause under
6 Sections 490 (conviction of a crime) and 10177(b) (conviction of a crime substantially related
7 to the qualifications, functions, and duties of a real estate licensee) of the Business and
8 Professions Code for the denial of all licenses and license rights of Respondent under the Real
9 Estate Law.

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

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16 
17 BREND A SMITH
18 Supervising Special Investigator

19 Dated at Fresno, California,
20 this 3 day of November, 2016.

21 DISCOVERY DEMAND

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