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DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
EMILIO LOQUINO PAMELAR,
Respondent.

No. H-3239 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 9, 2006, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On, May 11, 2007, 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 said petition.

I have considered the petition of Respondent 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 not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that a real estate salesperson license be issued to Respondent if

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1 Respondent satisfies the following conditions within twelve (12) months from the date of this

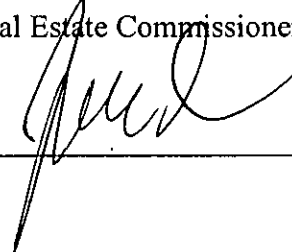
2 Order:

- 3 1. Respondent shall qualify for, take and pass the real estate salesperson
4 license examination.
5 2. Submittal of a completed application and payment of the fee for a real
6 estate salesperson license.

7 This Order shall become effective immediately.

8 IT IS SO ORDERED

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10 JEFF DAVI
Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

By Carol Skarner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-3239 SD
EMILIO LOQUINO PAMELAR,)
Respondent.)

ORDER DENYING RECONSIDERATION

On February 9, 2006, a Decision was rendered in the above-entitled matter to become effective March 3, 2006.

On March 1, 2006, Respondent petitioned for reconsideration of the Decision of February 9, 2006.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of February 9, 2006 and reconsideration is hereby denied.

IT IS HEREBY ORDERED April 3, 2006.

JEFF DAVI
Real Estate Commissioner

John R. Liberator
BY: John R. Liberator
Chief Deputy Commissioner

By Anne Shaw

* * *

John R. Kilgus

JEFF DAVIS
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation against:

EMILIO LOQUINO PAMELAR,

Respondent.

Case No. H-3239 SD

OAH No. L2005090258

PROPOSED DECISION

On December 12, 2005, in San Diego, California, Greer D. Knopf, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Truly Sughrue, Real Estate Counsel, the Department of Real Estate, appeared on behalf of complainant J. Chris Graves, Deputy Real Estate Commissioner, Department of Real Estate, State of California.

Kristin L. Connor, attorney at law, appeared and represented respondent Emilio Loquino Pamelar who was also present at the hearing.

The matter was submitted on December 12, 2005.

FACTUAL FINDINGS

1. Accusation number H-3239 SD, dated July 6, 2005, by complainant, J. Chris Graves ("complainant"), in his official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California was filed against respondent Emilio Loquino Pamelar ("respondent"). The accusation was filed on July 15, 2005. The accusation alleges respondent is licensed as a real estate salesperson and he has been convicted of crimes that involve moral turpitude and that are substantially related to the qualifications, functions or duties of a real estate salesperson. On August 1, 2005, respondent filed a notice of defense dated July 26, 2005 requesting a hearing on this matter. The proceeding herein followed.

2. Respondent holds a real estate salesperson's license that was issued by the Department of Real Estate ("the Department") on May 22, 2003. The Department took the disciplinary action herein as a result of respondent's criminal convictions.

3. On October 23, 2003, in the Superior Court, State of California, County of San Diego, respondent pleaded guilty to and was convicted of a violation of Penal Code section 487, subdivision (a) for grand theft of personal property. This crime was a felony. Respondent had previously worked for Sears as a repair assistant that went to customers' homes. Sears had issued respondent two credit cards to use to buy gasoline for his work vehicle. When respondent left the employ of Sears he turned in one credit card and continued to use the other one to purchase gas for his own personal vehicle. Respondent wrongfully used the credit card over a period of two years and charged more than \$18,000 in gas. Eventually, he was contacted by the authorities and arrested for the offense.

Respondent was sentenced to one day in custody of the County Sheriff, three years probation and ordered to perform ten days of community service. The court also ordered respondent to pay \$458.00 in fines and \$18,179.83 in restitution to the victim Sears. After one year of probation, respondent petitioned the court to have his conviction reduced to a misdemeanor and the petition was granted. Respondent testified that his probation was also terminated, but the court records indicate that his probation was not terminated and therefore his probation will terminate in October 2006. The crime respondent was convicted of involved dishonesty and moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee under Title 10, California Code of Regulations, section 2910.

4. Ten years earlier, on April 22, 1993, in the Municipal Court, State of California, County of Napa, respondent was convicted of a violation of Vehicle Code section 10851, subdivision (a) for the unlawful driving or taking of a vehicle. Respondent was sentenced to 36 days of a work furlough program and three years probation. This crime was a felony that involved moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee under Title 10, California Code of Regulations, section 2910.

5. Respondent testified at the hearing and readily acknowledged he has made mistakes in his life. Respondent said he was sorry for what he did in stealing from Sears, but he seemed to be more remorseful that he was caught. Respondent has made full restitution to Sears as ordered by the court, but it was his mother that actually paid the restitution. Respondent testified he is paying her back, but could not say just how much he has paid her. Respondent testified he really did not have any reason for doing what he did. His only explanation for why he stole from Sears was that he was stupid and he had the credit card and knew how to use it. During the two years he continued to use the credit card, respondent knew it was wrong, but he continued to use it anyway. Respondent did not offer any significant evidence of rehabilitation. He simply promised that he would never engage in such behavior again. Respondent offered no insight into why he engaged in such dishonest behavior over such a long period of time and no evidence to assure the administrative court that he has learned from his mistakes. In addition, respondent committed another act of dishonesty when he stole a vehicle in 1993. Although, that incident occurred over ten years ago when he was young, it does indicate respondent's willingness to bend the rules when it serves his needs.

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It is too soon to know if respondent will continue to live a law-abiding life style. According to court records, respondent is still serving his probation. In addition, respondent did not offer sufficient evidence of rehabilitation and he seemed to minimize the significance of his criminal conduct. The Department must be able to rely on its licensees to comply with the law. Respondent should not be entrusted with a real estate license. Therefore, it is not in the public interest to allow respondent to keep his license as a real estate salesperson at this time.

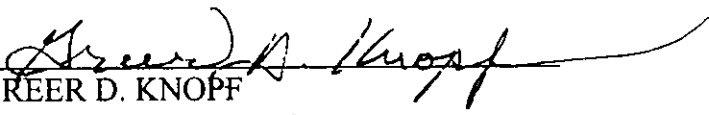
LEGAL CONCLUSIONS

Cause exists to discipline respondent's license as a real estate salesperson pursuant to Business and Professions Code sections 490 and 10177, subdivision (b) in that respondent was convicted of crimes that involved moral turpitude and were substantially related to the qualifications, functions and duties of a real estate licensee, as set forth in Findings 2-5.

ORDER

The real estate salesperson's license issued to respondent Emilio Loquino Pamelar by the Department of Real Estate is hereby revoked.

DATED: 1-17-06


GREER D. KNOFF
Administrative Law Judge
Office of Administrative Hearings

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED
JUL 15 2005

DEPARTMENT OF REAL ESTATE

By Jean Armit

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

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14 In the Matter of the Accusation of)
15 EMILIO LOQUINO PAMELAR,) NO. H-3239 SD
16 Respondent.) ACCUSATION

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18 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against EMILIO LOQUINO PAMELAR, is informed and alleges as
21 follows:

22 I

23 EMILIO LOQUINO PAMELAR (hereafter Respondent) is
24 presently licensed and/or has license rights under the Real
25 Estate Law, Part 1 of Division 4 of the California Business and
26 Professions Code (hereafter the Code) as a real estate
27 salesperson.

1 II

2 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
3 Commissioner of the State of California, makes this Accusation
4 against Respondent in his official capacity and not otherwise.

5 III

6 On or about October 23, 2003, in the Superior Court
7 of California, County of San Diego, Respondent was convicted of
8 violation of California Penal Code Section 487(a) (GRAND THEFT)
9 a felony, a crime involving moral turpitude, and/or a crime
10 which is substantially related under Section 2910, Title 10,
11 California Code of Regulations to the qualifications, functions
12 or duties of a real estate licensee.

13 IV

14 The facts alleged in Paragraph III above constitute
15 cause under Sections 490 and/or 10177(b) of the Code for
16 suspension or revocation of all license(s) and license rights
17 of Respondent under the Real Estate Law.

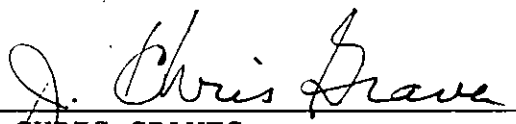
18 MATTERS IN AGGRAVATION

19 V

20 On or about April 22, 1993, in the Municipal Court of
21 California, County of Napa, Respondent was convicted of
22 violation of California Vehicle Code Section 10851(a) (UNLAWFUL
23 DRIVING OR TAKING OF A VEHICLE) a crime involving moral
24 turpitude, and/or a crime which is substantially related under
25 Section 2910, Title 10, California Code of Regulations to the
26 qualifications, functions or duties of a real estate licensee.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof a decision be rendered imposing disciplinary action
4 against all license(s) and license rights of Respondent under the
5 Real Estate Law (Part 1 of Division 4 of the Business and
6 Professions Code), and for such other and further relief as may
7 be proper under other provisions of law.

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12 J. CHRIS GRAVES
13 Deputy Real Estate Commissioner

14 Dated at San Diego, California,
15 this 6th day of July, 2005.
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