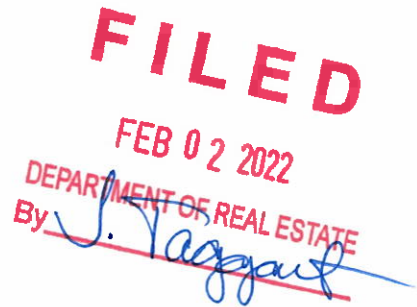


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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	
)	NO. H-3414 FR
EDUARDO GARCIA,)	
)	<u>STATEMENT OF ISSUES</u>
Respondent.)	
)	

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

1

On or about March 5, 2021, the Department of Real Estate of the State of
California (Department) received Respondent's license application for a real estate salesperson
license.

2

On or about August 18, 2017, in the Superior Court of California, County of
Fresno, Case No. M17921775, Respondent was convicted of violating Section 166 (c)(1) of the
California Penal Code (Criminal Contempt of Court), a misdemeanor and crime which bears a

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1 substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations
2 (Regulations), to the qualifications, functions or duties of a real estate licensee.

3 3

4 On or about November 6, 2018, in the Superior Court of California, County of
5 Fresno, Case No. F18905941, Respondent was convicted of violating Sections 273.5 (a)
6 (Corporal Injury to Spouse/Cohabitant) and 166 (c)(1) of the California Penal Code, both
7 misdemeanors and crimes which bear a substantial relationship under Section 2910 of the
8 Regulations, to the qualifications, functions or duties of a real estate licensee.

9 4

10 Respondent's criminal convictions, described in paragraphs 2 and 3, above,
11 constitute cause for denial of Respondent's application for a real estate salesperson license
12 pursuant to the provisions of Sections 480 (a) and 10177 (b) (Conviction of Crime) of the
13 Business and Professions Code (Code).

14 FACTOR IN AGGRAVATION

15 5

16 On or August 19, 2009, in the Superior Court of California, County of Fresno,
17 Case No. M09914965, Respondent was convicted of violating Section 23152 (b) of the
18 California Vehicle Code (Driving with a Blood Alcohol Level 0.08% or More), a misdemeanor.

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

24 
25 BREND A SMITH
26 Supervising Special Investigator

26 Dated at Fresno, California,
27 this 25 day of January 2022.

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DISCOVERY DEMAND

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