1 2 3 4 5 6 7	JASON D. LAZARK, Counsel State Bar No. 263714 Department of Real Estate P.O. Box 187007 Sacramento, CA 95818-7007 Telephone: (916) 576-8700 (916) 576-7843 (Direct)
8	DEFORE THE DEDARTMENT OF DEAL FOR ATE
9	BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Application of:) No. H-3444 FR
12	DANIEL AMADOR ALVAREZ,) STATEMENT OF ISSUES
13	Respondent.
14	The Complainant, BRENDA SMITH, acting in her official capacity as a
15	Supervising Special Investigator of the State of California, Department of Real Estate
16	("Department"), for Statement of Issues against DANIEL AMADOR ALVAREZ,
17	("Respondent"), is informed and alleges as follows:
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19	On or about October 29, 2020, Respondent made application to the Department
20	for a real estate salesperson license.
21	CRIMINAL CONVICTION
22	2
23	On or about July 2, 2015, in the Superior Court of the State of California,
24	County of Tuolumne, Case Number CRM46591, Respondent was convicted of violating Penal
25	Code Section 4570 (unlawful communication with a prisoner), a misdemeanor which bears a
26	substantial relationship under section 2910, title 10 of the California Code of Regulations, to the
27	qualifications, functions or duties of a real estate licensee.
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1	DISCIPLINE BY OTHER LICENSING AGENCY	
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3	Effective October 14, 2019, after Respondent was given fair notice of the charges	
4	and the opportunity to participate in a hearing held according to the procedures set forth in the	
5	Administrative Procedures Act, the Commissioner of the Department of Insurance, in Case No.	
6	PLBS 13293-A (AR), denied Respondent's license and license rights, and issued Respondent a	
7	restricted license under the terms and conditions set forth in the Special Notice of Defense	
8	executed by Respondent wherein Respondent admitted to the truth of the allegations contained in	
9	the Statement of Issues including the criminal conviction set forth in Paragraph 2 of this	
10	Statement of Issues, as well as Respondent's failure to report the criminal conviction in his May	
11	30, 2019, application for licensure to the Department of Insurance. Respondent's criminal	
12	conviction served as grounds for denial of his Department of Insurance application under	
13	California Insurance Code Section 1668(b) (granting of license against public interest).	
14	Respondent's failure to disclose his criminal conviction served as ground for denial of his	
15	Department of Insurance application under California Insurance Code Sections 1668(e) (lacking	
16	integrity) and 1668(h) (making a willful misstatement on an application).	
17	GROUNDS FOR DISCIPLINE	
18	4	
19	The crime of which Respondent was convicted, as described in Paragraph 2,	
20	constitutes grounds for the denial of Respondent's application for a real estate license under	
21	sections 480(a) (criminal conviction) and 10177(b) (criminal conviction) of the Code.	
22	5	
23	The facts alleged above in Paragraphs 2 and 3 constitute grounds for the denial of	
24	Respondent's application for a real estate license under sections 480(a), 10177(a) (attempting to	
25	procure a license by fraud or misrepresentation), 10177(b), 10177(f) (denial of license by state	
26	agency), section 10177(g) (negligence or incompetence in performing act for which license was	
27	required) and/or section 10177(j) (fraudulent or dishonest conduct) of the Code.	
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1	WHEREFORE, the Complainant prays that the above-entitled matter be set for
2	hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
3	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 law.
5	
6	BLET
7	BRENDA SMITH Supervising Special Investigator
8	Dated at Fresno, California,
9	this $\underline{/4}$ day of June 2022.
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11	
12	DISCOVERY DEMAND
13	Pursuant to Sections 11507.6, et seq. of the Administrative Procedure Act, the
14	Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set
15	forth in the Administrative Procedure Act. Failure to provide Discovery to the Department of
16	Real Estate may result in the exclusion of witnesses and documents at the hearing or other
17	sanctions that the Office of Administrative Hearings deems appropriate.
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