

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 06 2002

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Application of)
TRENT B. RUIZ,)
Respondent.)

By Shelly Ely
NO. H-3639 SAC
OAH No. N2002020248

DECISION

The Proposed Decision dated July 8, 2002, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon
on August 26, 2002.

IT IS SO ORDERED July 23 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

TRENT B. RUIZ

Respondent.

Case No. H-3639 SAC

OAH No. N2002020248

PROPOSED DECISION

Administrative Law Judge Muriel Evens, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California, on June 10, 2002.

Michael Rich, Counsel, represented complainant Charles Koenig.

Respondent was not present or otherwise represented.

The matter was submitted on June 10, 2002.

FACTUAL FINDINGS

1. On or about April 23, 2002, the Department served respondent Trent B. Ruiz at his address of record with a Notice of Hearing in this matter. Respondent did not appear at the hearing or otherwise contact the Office of Administrative Hearings regarding any difficulty reaching the hearing site. The matter proceeded as a default.

2. Complainant Charles Koenig, a Deputy Real Estate Commissioner, made the Statement of Issues in his official capacity and not otherwise.

3. On or about May 7, 2001, respondent filed an application with the Department for licensure as a real estate salesperson.

On or about October 12, 1999, respondent was convicted in the Superior Court, County of Sacramento, on his plea of nolo contendere to violation of Penal Code section 273.5(a), infliction of corporal injury to a cohabitant, a misdemeanor substantially related to the qualifications, functions or duties of a real estate licensee. Respondent was sentenced to three years probation, a stayed jail sentence of 45 days, fees and restitution and participation in a batterer's treatment program.

LEGAL CONCLUSIONS

1. Grounds for discipline pursuant to Business and Professions Code sections 480(a), criminal conviction, and 10177(b), criminal conviction, as set forth in Finding 3.

ORDER

Respondent Trent B. Ruiz's application for licensure as a real estate salesperson is denied.

DATED: July 8, 2002



MURIEL EVENS
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 20 2002
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

TRENT B. RUIZ

By: Shelly Ely

Case No. H-3639 SAC

OAH No. N2002020248

Respondent

FIRST CONTINUED
NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on MONDAY--JUNE 10, 2002, at the hour of 1:30 PM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: MARCH 20, 2002

By: Michael B. Rich
MICHAEL B. RICH, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 01 2002

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

TRENT B. RUIZ

By Shelly Elzy

Case No. H-3639 SAC

OAH No. N2002020248

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on WEDNESDAY--MARCH 27, 2002, at the hour of 1:30 PM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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DEPARTMENT OF REAL ESTATE

Dated: MARCH 1, 2002

By

Michael B. Rich

MICHAEL B. RICH,

Counsel

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
JAN 18 2002

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 TRENT B. RUIZ,)
13 Respondent.)

No. H-3639 SAC

STATEMENT OF ISSUES

14
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16 The Complainant, CHARLES KOENIG, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against TRENT B. RUIZ, (hereinafter "Respondent"), is informed
19 and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about May 7, 2001, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to the conditions of Section 10153.4
26 of the Business and Professions Code.

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II

Complainant, CHARLES KOENIG, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about October 12, 1999, in the Superior Court for the County of Sacramento, Respondent was convicted of a violation of section 273.5(a) of the California Penal Code (Inflict corporal injury upon a cohabitant), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III 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 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.


CHARLES KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 17th day of January, 2002.