



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

ERNIE ROMO PEREZ, Jr.,

Applicant/Respondent.

Case No. H-4211 SD

OAH No. 2011070817

**PROPOSED DECISION**

James Ahler, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on September 2, 2011, in San Diego, California.

Annette E. Ferrante, Real Estate Counsel, represented Complainant, Joseph Aiu, Deputy Real Estate Commissioner, Department of Real Estate, State of California.

Beth Atuatasi, Attorney at Law, represented Applicant/Respondent, Ernie Romo Perez, Jr., who was present throughout the administrative hearing.

The matter was submitted on September 2, 2011.

**PRELIMINARY STATEMENT**

Ernie Romo Perez, Jr. was convicted of driving on a suspended license in May 1997, of unlawfully taking of a vehicle in November 2003, of unlawfully possessing a controlled substance (methamphetamine) for sale in November 2003, and of forgery in December 2004.

On October 29, 2009, Mr. Perez filed an application with the Department of Real Estate for licensure as a real estate salesperson. In that application, Mr. Perez disclosed all of his convictions, including those convictions mentioned above.

Mr. Perez has been law abiding since his last arrest. Following his release from state prison, he moved away from San Bernardino County, settled in San Diego County, gained full time employment, reunited with his family, married the mother of his children, became a youth leader at his church, and completely turned his life around. Mr. Perez established his rehabilitation through his sincere testimony and the credible testimony of his wife, pastor, and friend. Mr. Perez established a complete change in attitude from that existing at the time of his convictions.

Mr. Perez is well on his way to fully rehabilitating himself. While an unrestricted real estate license cannot be issued on this application, it would not be contrary to the public interest to permit Mr. Perez to hold a restricted real estate license.

## FACTUAL FINDINGS

### *The Application for Licensure*

1. On October 29, 2009, Ernie Romo Perez, Jr. (Mr. Perez or Respondent) signed an application that he filed with the Department of Real Estate for the issuance of a real estate salesperson's license.

In his application, and in response to a question asking if he had ever been convicted of any crime, Mr. Perez disclosed a March 1997 conviction for driving on a suspended license, a March 2000 conviction for driving without a valid license, a November 2002 conviction for driving under the influence of alcohol, a May 2003 conviction for possession of a controlled substance for sale, a June 2003 conviction for unlawfully taking a motor vehicle, a September 2004 conviction for malicious mischief, and a September 2004 conviction for forgery. Mr. Perez provided the address of each court in which he was convicted, the identity of each arresting agency, the dates of his convictions, the types of convictions (felony or misdemeanor), the code sections violated, the dispositions, and the case numbers. He provided an explanation for each offense.

Along with his application, Mr. Perez provided a statutory course completion certificate that established that Mr. Perez passed a real estate principles course on January 2, 2008; a real estate practices course on February 19, 2008, and a real estate finance course on March 20, 2008.

2. Mr. Perez passed the real estate licensing examination on March 9, 2010. By letter dated April 5, 2010, the Department of Real Estate notified Mr. Perez that he had passed the licensing examination and that his application would be assigned to a deputy real estate commissioner for review. This disciplinary action followed.

### *Jurisdictional Matters*

3. On June 29, 2011, Complainant, Joseph Aiu, a Deputy Real Estate Commissioner, Department of Real Estate, State of California, signed the Statement of Issues in Case No. H-4211 SD in his official capacity. The statement of issues and other required jurisdictional documents were served on Mr. Perez, who timely filed a Notice of Defense on Application.

On September 2, 2011, the administrative record was opened; jurisdictional documents were presented; official notice was taken; sworn testimony was provided;

documentary evidence was received; closing arguments were given; the record was closed; and the matter was submitted.

*Mr. Perez's Convictions*

4. In his application, Mr. Perez admitted that on May 1, 1997, he was convicted of violating Vehicle Code section 14601, subdivision (a) (driving on a suspended or revoked license), a misdemeanor, in the Superior Court of California, County of San Bernardino, in Case No. 167370EP. No evidence other than Mr. Perez's admission was introduced to establish this conviction.

Mr. Perez represented that the Superior Court imposed a \$600 fine for this offense.

5. On June 30, 2003, Mr. Perez was convicted on his plea of guilty of violating Vehicle Code section 10851, subdivision (a) (unlawfully taking a motor vehicle), a felony, in the Superior Court of California, Country of San Bernardino, in Case No. FSB039849.

The Superior Court placed Mr. Perez on supervised probation for a period of 36 months. Terms and conditions of probation required Mr. Perez to serve 240 days in the San Bernardino County Jail (credit was given for time served, together with other credits required by law) ; to report to the probation officer upon release; to cooperate with the probation officer; to seek and maintain gainful employment; to submit a plan of rehabilitation; not to possess any dangerous weapons; not to drive without a license and other documentation; to pay a restitution fee; to carry all terms and conditions of probation on his person at all times; and not to violate any laws.

6. On November 12, 2003, Mr. Perez was convicted on his plea of guilty of violating Health and Safety Code section 11379 (possession of a controlled substance (methamphetamine) for sale), a felony, in the Superior Court of California, Country of San Bernardino, in Case No. FRE006437.

The Superior Court placed Mr. Perez on supervised probation for a period of 36 months. Terms and conditions of probation required Mr. Perez to serve 240 days in the San Bernardino County Jail, with the sentence to run concurrent with the sentence imposed in Case No. FSB039849 (156 days credit was given for time served, together with other credits required by law) ; not to possess any controlled substance without a medical prescription; to submit to substance testing as required; not to possess any drug paraphernalia; to participate in a counseling program; to make restitution as directed; and not to violate any laws.

7. On December 16, 2004, Mr. Perez was convicted on his plea of guilty of violating Penal Code section 470, subdivision (a) (forgery), a felony, in the Superior Court of California, Country of San Bernardino, in Case No. FSB046663.

The Superior Court remanded Mr. Perez to the custody of the Sheriff to be delivered to the California Department of Corrections, Chino, to serve 18 months in the state prison

system. Thereafter, Mr. Perez served 16 months in various state prison facilities, including the McFarland Community Correctional Facility. He was released on parole, and he was discharged after being on parole for approximately 13 months.

8. Mr. Perez also admitted in his application for licensure that he was convicted on March 23, 2000, of violating Vehicle Code section 12500, subdivision (a) (driving without a valid license); on November 7, 2002, of violating Vehicle Code section 23152, subdivisions (a) and (b) (driving under the influence of alcohol and driving with a blood alcohol level in excess of 0.08 percent); and on August 23, 2004, of violating Penal Code section 602.5 (malicious mischief). No evidence other than Mr. Perez's admissions was introduced to establish these convictions.

The statement of issues did not allege these convictions to be grounds for discipline.

#### *Circumstances of the Offense*

9. The Driving on a Suspended License Conviction: In the conviction detail report he completed for the Department, Mr. Perez stated that he failed to submit an SR-22 (proof of insurance form) to the DMV that was needed to lift his driver's license suspension, that he was stopped while driving a vehicle on a suspended license, and that he was convicted of that offense.

Mr. Perez had no recollection of the details surrounding this conviction.

10. The Vehicle Theft Conviction: In May 2003, Mr. Perez needed a vehicle to obtain employment. He said he went to a vacant lot near his house where a number of vehicles were being offered for sale. He saw a truck that he thought to be worth well in excess of \$15,000 that was offered for sale for \$4,500. Mr. Perez said he paid cash to the "owner" of the truck and took possession of it. He did not receive any paperwork from the "owner" to establish ownership of the truck. Not surprisingly, the truck he "purchased" had been stolen from a local dealership.

In the conviction detail report he completed, Mr. Perez admitted that he "should have known better by making a purchase like that." Mr. Perez's testimony concerning the incident was essentially mirrored in a police report prepared on June 15, 2003.

11. The Methamphetamine Conviction: On May 13, 2003, law enforcement officers contacted Mr. Perez at his apartment in San Bernardino. They asked him if he was selling methamphetamine. He admitted that he was and delivered the methamphetamine in his possession to the officers. In the conviction detail report he completed, Mr. Perez stated that "at the time I was unemployed, desperate, and trying to provide for a family." Mr. Perez commented in the detail report, "Now I know it wasn't the wise decision to make."

Mr. Perez's testimony in this proceeding was consistent with the information he provided in the conviction detail report.

12. The Forgery Conviction: A law enforcement report was introduced that related to the forgery conviction. It stated that on September 26, 2004, law enforcement responded to a complaint from The Money Mart concerning a possible forgery in process. On arrival, the clerk told the investigating officers that the suspect, later identified as Mr. Perez, entered the premises and attempted to cash a check written on the account of Beulah M. Smith. The clerk retained the \$310 check. Ms. Smith told the investigating officers that she did not sign the check and that the check was missing from her check book. She said Mr. Perez had been working around her home, but that she had not yet paid him for his work.

Mr. Perez testified that he did not forge the signature on the check, and that the forged check was given to him by Ms. Smith's son, who owed Mr. Perez some money. Mr. Perez's statement to the investigating officer concerning this offense, if any, was not contained in the police report.

#### *Mr. Perez' Testimony and Other Evidence*

13. Mr. Perez is 34 years old. He was born in San Bernardino County. He came from a broken home. His parents were alcoholics and addicts. He began abusing alcohol and drugs in his teens. Although he grew up in very difficult circumstances, Mr. Perez graduated from high school in 1995. After high school, Mr. Perez established a relationship with Erica, who gave birth to two daughters. Erica and the children left Mr. Perez as a result of his substance abuse and criminal lifestyle. Mr. Perez's criminal activities progressed to the point he was sent to state prison following his third felony conviction.

When he was in prison, Mr. Perez made a decision to turn his life around. When he was released, he decided that he could no longer live in San Bernardino County, where he grew up, and that he had to disassociate himself from his childhood associates. He moved to San Diego County following his release from prison. Mr. Perez began participating in Narcotics Anonymous and Alcoholics Anonymous. He last used alcohol and drugs on August 13, 2005. Mr. Perez found full time employment and began saving money to rent a home. He began attending the Church of God (7<sup>th</sup> Day) in North Park. Mr. Perez contacted Erica and told her that he had changed. Erica was reluctant to believe him, but over time she realized that he had changed. Erica and the two children moved to San Diego to live with Mr. Perez.

Mr. Perez continues to be involved in NA and AA, where he holds commitments. His home group is Stepping Stones. He has a sponsor, Dennis M., with whom he gets together once a week. He has worked the 12 steps of recovery and sponsors other men in recovery. Mr. Perez was knowledgeable about these recovery programs.

Mr. Perez provides volunteer services at Community Youth Athletic Center in National City two days a week, a facility providing services to at-risk youths, two days a week. He is a boxing coach and is involved in "changing lives one round at a time."

Mr. Perez is the Youth Director at the Church of God (7<sup>th</sup> Day) and teaches Bible study and community values. He is also on the Church of God (7<sup>th</sup> Day) Board of Directors and is in charge of finances.

Mr. Perez is a coach of a softball team that participates in the Santee Softball League. His daughter is on the team and he has been a softball coach for several years.

Mr. Perez testified that he had a moment of clarity, and that "Life is about lessons learned." He expressed sincere remorse for his criminal activities, and he attempts to use his transformative life experiences as testimony for others and as an opportunity to give back to his community. He enjoys the service he provides to others and he loves spending time with his family.

Mr. Perez's testimony was calm and sincere.

14. Erica Perez moved to San Diego six years ago to be with Mr. Perez after he proved to her that he had changed. Erica was skeptical at first, but over time Mr. Perez provided her with evidence that he was no longer the same person she knew when he was living in San Bernardino County. He had stopped using drugs, he was employed, he was saving money, and he was not involved in illegal activities. He expressed concern and love for Erica and the children. According to Ms. Perez, "He is a completely different person."

Erica married Mr. Perez four years ago. According to Erica, he goes to church, provides for the family, cares for their daughters, works at the Youth Ministry, and treats other children as if they were his own.

Erica is employed as a branch manager of a savings and loan. Erica's testimony was very believable.

15. Pastor Heber Vega is the cleric of the Church of God (7<sup>th</sup> Day) in North Park. Mr. Perez's mother and Pastor Vega began praying for Mr. Perez many years ago when "he was going the wrong way." Pastor Vega met Mr. Perez at Bible Study shortly after Mr. Perez moved to San Diego. Mr. Perez has remained in the Bible Study group since then.

Pastor Vega testified that Mr. Perez has "grown quite a bit" since he moved to San Diego. Shortly after he arrived in San Diego, Mr. Perez just attended Bible Study and a few other special events. But, over time his participation in the Church of God (7<sup>th</sup> Day) increased to the point that Mr. Perez now holds a leadership position in the church. He is in charge of the Youth Ministry, he programs youth activities, he teaches, and he "pastors the kids." Pastor Vega testified that Mr. Perez's "ministry is to help the kids."

Pastor Vega could not imagine that Mr. Perez would return to a life that involved drugs, alcohol or criminal activity. This testimony was sincere.

16. Jason M. Rausch has lived in East San Diego County for the past ten years. He holds a bachelor's degree in Criminal Justice from San Diego State University. He is currently a Supervising Probation Officer for the San Diego County Probation Department.

Mr. Rausch has known Mr. Perez for the past two years as a result of their coaching a girls' softball team in Santee. Each has a daughter who plays on the team. According to Mr. Rausch, Mr. Perez is dependable, organized, hardworking, dedicated and trustworthy. He and Mr. Perez, and their families, get together away from the ball fields. Mr. Perez voluntarily shared his past, and he has always conducted himself in an ethical and honest fashion. Mr. Rausch has never observed Mr. Perez engage in any kind of suspicious behavior. According to Mr. Rausch, Mr. Perez is a good citizen.

### *Evaluation*

17. Mr. Perez was convicted of three felonies before 2005 that resulted in a short prison term. The felonies are substantially and adversely related to the qualifications, functions and duties of a real estate licensee. Mr. Perez paid his fines and was discharged from parole.

Mr. Perez is a sincere, intelligent, engaging individual who admits that he had problems with alcohol and drugs in the past, and that he engaged in illegal activities. He is sober today and he is in recovery. Mr. Perez completed his application in a completely truthful fashion, omitting nothing.

Mr. Perez had the burden of establishing his fitness to hold a real estate salesperson's license. Mr. Perez's sincere testimony and the credible testimony of Erica Perez, Pastor Vega and Mr. Rausch established that Mr. Perez is not the same person who was sentenced to serve time in state prison. He is sober, God-fearing, and of service to his community. He has become a good citizen. Because of his convictions, an unrestricted real estate license cannot be granted on this application. His prospective employers need to know about his past and need to provide close supervision. Given the overwhelming credible evidence in rehabilitation that was established in this matter, and weighing that evidence against the offenses for which Mr. Perez was convicted, it is concluded that issuing a restricted license to Mr. Perez would not be contrary to the public interest.

## LEGAL CONCLUSIONS

### *Burden and Standard of Proof*

1. In a proceeding involving the issuance of a license, the burden of proof is on the applicant to show that he or she is qualified to hold the license. The standard of proof is a preponderance of the evidence. See, *California Administrative Hearing Practice* (Cont.Ed.Bar 2d ed., (1997) The Hearing Process, §§ 7.51-7.53, pp. 365-367), and the cases cited therein.



*Applicable Statutes*

2. Business and Professions Code section 480 provides in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime . . . .

[¶] . . . [¶]

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made . . .

3. Business and Professions Code Section 10177 provides in part:

The commissioner . . . may deny the issuance of a license to an applicant, who has done any of the following . . . :

[¶] . . . [¶]

(b) Entered a plea of . . . nolo contendere to . . . a crime substantially related to the qualifications, functions, or duties of a real estate licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information. . . .

*Substantial Relationship*

4. A conviction alone will not support a denial of a license unless the crime substantially relates to the qualifications, functions or duties of the profession in question. (*Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402.) Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee. If an offense reflects unfavorably on an applicant's honesty, the offense may be said to be substantially related to his qualifications. (*Golde v. Fox* (1979) 98 Cal.App.3d 167, 176.)

Licensing authorities do not enjoy unfettered discretion to determine on a case-by-case basis whether a given conviction is substantially related to the relevant professional qualifications. Business and Professions Code section 481 requires each licensing agency to "develop criteria to aid it . . . to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates." In response to this directive the Department of Real Estate adopted section 2910 of Title 10 of the California Code of Regulations. (*Donaldson v. Department of Real Estate* (2005) 134 Cal.App.4th 948, 955-956.)

5. California Code of Regulations, title 10, section 2910 sets forth the Department's substantial relationship criteria. Subdivision (a) provides that conduct is substantially related if it involves the fraudulent taking, obtaining, appropriating of property belonging to another person (subdivision (a)(1)), forging or altering of an instrument (subdivision (a)(2)), the employment of fraud, deceit or misrepresentation to achieve an end (subdivision (a)(4)), doing any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another (subdivision (a)(8)), contempt of court or willful failure to comply with a court order (subdivision (a)(9)), and conduct which demonstrates a pattern of repeated and willful disregard of law (subdivision (a)(10)).

6. Mr. Perez's May 1996 conviction for driving on a suspended license, his November 2003 conviction for unlawfully possessing a controlled substance for sale, his November 2003 conviction for unlawfully taking a motor vehicle, and his December 2004 conviction for forgery are, individually and collectively, substantially related to the qualifications, functions and duties of a real estate salesperson.

### *Rehabilitation*

7. Rehabilitation is a state of mind and the law looks with favor upon rewarding with the opportunity to serve, one who has achieved reformation and regeneration. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) The evidentiary significance of an applicant's misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.) Since persons under the direct supervision of correctional authorities are required to behave in exemplary fashion, little weight is generally placed on the fact that a bar applicant did not commit additional crimes or continue addictive behavior while in prison or while on probation or parole. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) Rehabilitation from alcoholism or other substance abuse is entitled to significant weight in mitigation if it is established that (1) the abuse was addictive in nature, (2) the abuse causally contributed to the misconduct, and (3) the individual has undergone a meaningful and sustained period of rehabilitation such that the misconduct is unlikely to occur again. (*Hawes v. State Bar* (1990) 51 Cal. 3d 587, 595.) An alcoholic's rehabilitation is almost universally predicated on a choice to confront his or her problem, followed by abstinence sustained through ongoing participation in a supportive program, such as Alcoholics Anonymous. (*In re Billings* (1990) 50 Cal.3d 358, 368.)

8. Applying the Department's relevant criteria for rehabilitation, which are set forth in California Code of Regulations, title 10, section 2911: more than two years have passed since Mr. Perez's most recent criminal conviction, although a longer period is required where there is a history of misconduct substantially related to the qualifications, functions or duties of a licensee of the department, as here (Mr. Perez's most recent misconduct occurred in September 2004, seven years ago); Mr. Perez made the modest restitution that was required; Mr. Perez has applied for expungement of his conviction, but his motions have not been granted; Mr. Perez failed to successfully complete his first two periods of probation, but he was discharged from parole several years ago; Mr. Perez has abstained from the use of controlled substances and alcohol for more than six years and is an active member of NA and AA; Mr. Perez has a very stable home life and is fulfilling his parental and familial responsibilities; Mr. Perez completed required real estate courses to economic self-improvement; Mr. Perez no longer associates with those persons with whom he engaged in the misconduct giving rise to his convictions; for the past six years, Mr. Perez has had significant and conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits and to ameliorate social problems; and, Mr. Perez established a positive change in attitude from that existing at the time of the conduct in question as evidenced by his testimony, the testimony of his wife, the testimony of Pastor Vega, and the testimony of Mr. Rausch.

*Cause Exists to Deny an Unrestricted License*

9. Cause exists to deny Mr. Perez' application for a real estate salesperson's license under Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b). As alleged, Mr. Perez was convicted of driving on a suspended license in May 1997, of unlawfully taking of a vehicle in November 2003, of unlawfully possessing a controlled substance (methamphetamine) for sale in November 2003, and of forgery in December 2004. Mr. Perez established much evidence to support his claim of rehabilitation. Weighing the substantial misconduct against the irresistible evidence of rehabilitation, it is concluded that it would not be contrary to the public interest to issue a restricted real estate salesperson's license to Mr. Perez on terms and conditions that, among other matters, require any employer to exercise close supervision over his activities while his license is restricted.

ORDER

The application for an unrestricted real estate salesperson's license filed by Ernie Romo Perez, Jr., with the Department of Real Estate on October 29, 2009, is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and shall be to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. Respondent shall obey all laws of the United States and the State of California, including the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

2. Respondent shall, within 72 hours of any arrest or citation, notify in writing the Real Estate Commissioner at the Department of Real Estate's headquarters, 2201 Broadway, Sacramento, CA 95818-2500, of the date of his arrest or citation, the identity and address of the law enforcement agency responsible for making the arrest or issuing citation, the nature of the charges for which he was arrested or cited, the date of any court appearances and the address of the court where such court appearances are scheduled to occur. Respondent's failure to notify the Real Estate Commissioner of any arrest or citation shall constitute a violation of the conditions under which the restricted license is issued.

3. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

4. The restricted license issued to Respondent may be suspended before hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

5. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

6. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

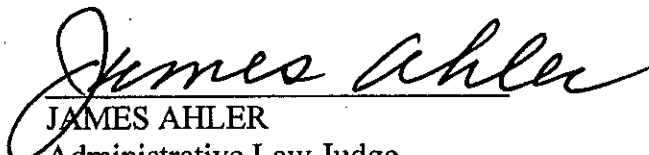
(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

7. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,

the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: September 16, 2011

  
JAMES AHLER  
Administrative Law Judge  
Office of Administrative Hearing

**FILED**

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)  
2 Department of Real Estate  
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4 Sacramento, CA 95818-7007

**July 6, 2011**

DEPARTMENT OF REAL ESTATE

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6 Fax: (916) 227-9458

By 

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8  
9 BEFORE THE  
10 DEPARTMENT OF REAL ESTATE  
11 STATE OF CALIFORNIA

12 \* \* \*

13 In the Matter of the Application of )  
14 ERNIE ROMO PEREZ, JR., ) No. H-4211 SD  
15 Respondent. ) STATEMENT OF ISSUES

16 The Complainant, JOSEPH AIU, in her official capacity as a Deputy Real Estate  
17 Commissioner of the State of California (hereinafter "Complainant"), for Statement of Issues  
18 against ERNIE ROMO PEREZ, JR. (hereinafter "Respondent"), alleges as follows:

19 1

20 On or about October 29, 2009, Respondent made application to the State of  
21 California Department of Real Estate (hereinafter "the Department") for a real estate salesperson  
22 license.

23 2

24 On or about May 1, 1997, in the Superior Court of the State of California, County  
25 of San Bernardino, in Case No. 167370EP, Respondent was convicted of violating Section  
26 14601(a) of the California Vehicle Code (Driving While License Suspended or Revoked), a  
27 misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of

1 the California Code of Regulations (hereinafter "the Regulations"), to the qualifications,  
2 functions, or duties of a real estate licensee.

3 3

4 On or about November 12, 2003, in the Superior Court of the State of California,  
5 County of San Bernardino, in Case No. FSB039849, Respondent was convicted of violating  
6 Section 10851(a) of the California Vehicle Code (Unlawful Driving or Taking of Vehicle), a  
7 felony, and a crime which bears a substantial relationship under Section 2910 of the Regulations,  
8 to the qualifications, functions, or duties of a real estate licensee.

9 4

10 On or about November 12, 2003, in the Superior Court of the State of California,  
11 County of San Bernardino, in Case No. FRE006437, Respondent was convicted of violating  
12 Section 11378 of the California Health and Safety Code (Possession for Sale of Controlled  
13 Substance – Methamphetamine), a felony, and a crime which bears a substantial relationship  
14 under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate  
15 licensee.

16 5

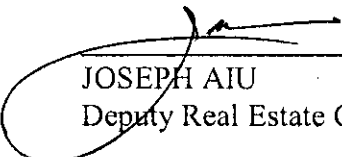
17 On or about December 16, 2004, in the Superior Court of the State of California,  
18 County of San Bernardino, in Case No. FSB046663, Respondent was convicted of violating  
19 Section 470(a) of the California Penal Code (Forgery-of Personal Check), a felony, and a crime  
20 which bears a substantial relationship under Section 2910 of the Regulations, to the  
21 qualifications, functions, or duties of a real estate licensee.

22 6

23 The facts alleged in Paragraphs 2 through 5, above, constitute cause for denial of  
24 Respondent's application for a real estate license under Sections 480(a) (Denial of License by  
25 Board – Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to  
26 Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

27

1                    WHEREFORE, 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 the provisions of the  
5 law.

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7  
8                      
9                    JOSEPH AIU  
10                    Deputy Real Estate Commissioner

11 Dated at San Diego, California,  
12 this 29 day of June, 2011.