

FILED

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

* * *

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RYAN M. ORTEGA ("Respondent"), aka Ryan Madulio Ortega, is informed and alleges in her official capacity as follows:

On or about July 5, 2012, Respondent made application to the Department of Real Estate of the State of California for a real estate broker license.

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1 2.

2 CONVICTIONS

3 On or about May 23, 1995, in the Superior Court of
4 California, County of San Diego, in Case No. SCD110801,
5 Respondent pled guilty to and was convicted of violating
6 California Health and Safety Code Section 11379, subdivision (a)
7 (transportation of a controlled substance), a felony. On
8 September 19, 1995, (pursuant to a nunc pro tunc order dated
9 April 10, 1996), probation was denied and Respondent was
10 committed to the Department of Corrections for a term of two
11 years, which was to be served consecutively with the sentence
12 imposed in Case No. SCD1132804.

13 3.

14 On or about September 18, 1995, in the Superior Court
15 of California, County of San Diego, in Case No. SCD1132804,
16 Respondent pled guilty to and was convicted of violating
17 California Health and Safety Code Section 11378 (possession for
18 sale of a controlled substance), a felony. On September 19,
19 1995, (pursuant to a nunc pro tunc order dated February 8,
20 1996), probation was denied and Respondent was committed to the
21 Department of Corrections for a term of two years eight months,
22 which was to be served consecutively with the sentence imposed
23 in Case No. SCD110801. Following his sentencing, Respondent was
24 incarcerated in the Department of Corrections through April 22,
25 1997, when he was released on parole. Ortega received an early
26 discharge from parole in May, 1998.

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1 4.

2 On or about November 20, 2002, in the Superior Court
3 of California, County of San Diego, in Case No. SCD167953,
4 Respondent pled guilty to and was convicted of violating
5 California Health and Safety Code Section 11379, subdivision (a)
6 (transportation of a controlled substance: methamphetamine), a
7 felony. On July 1, 2003, Respondent was sentenced to five years
8 summary probation which expired on June 30, 2008. On August 7,
9 2008, Respondent's petition for expungement of this conviction
10 pursuant to California Penal Code Section 1203.4 was granted.

11 5.

12 The crimes of which Respondent was convicted, as
13 alleged herein above in Paragraphs 2 through 4, are
14 substantially related under Title 10, Chapter 6, Section 2910,
15 California Code of Regulations, to the qualifications, functions
16 or duties of a real estate licensee.

17 6.

18 The crimes of which Respondent was convicted, as
19 alleged herein above in Paragraphs 2 through 4, constitute cause
20 for denial of Respondent's application for a real estate broker
21 license under Business and Professions Code Sections 475(a)(2),
22 480(a)(1), and 10177(b).

23 7.

24 PRIOR DENIAL

25 On or about December 3, 2006, Respondent filed an
26 application to the Department of Real Estate of the State of
27 California for a real estate salesperson license with the

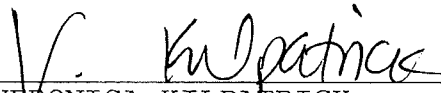
1 knowledge and understanding that any license issued as a result
2 of said application would be subject to the conditions of
3 Business and Professions Code Section 10153.4. On September 14,
4 2005, the Commissioner for the Department of Real Estate of the
5 State of California denied Respondent's application for a real
6 estate salesperson license in Case No. H-3170 SD.

7 These proceedings are brought under the provisions of
8 Section 10100, Division 4 of the Business and Professions Code
9 of the State of California and Sections 11500 through 11528 of
10 the California Government Code.

11 WHEREFORE, the Complainant prays that the above-
12 entitled matter be set for hearing and, upon proof of the
13 charges contained herein, that the Commissioner refuse to
14 authorize the issuance of, and deny the issuance of, a real
15 estate broker license to Respondent, RYAN M. ORTEGA, and for
16 such other and further relief as may be proper under other
17 applicable provisions of law.

18 Dated at San Diego, California

19 this 12 day of July, 2013.

21 
22 VERONICA KILPATRICK
23 Deputy Real Estate Commissioner
24

25 cc: Ryan M. Ortega
26 Veronica Kilpatrick
27 Sacto.