

FILED

FEB -4 2011

DEPARTMENT OF REAL ESTATE

*[Signature]*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
RUBEN G. VENEGAS,  
Respondent.

No. H-4836 SAC

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: Respondent RUBEN G. VENEGAS (herein "Respondent"):

At all times mentioned herein since October 1, 2007, Respondent has been and now is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as real estate salesperson whose license was and now is restricted subject to the provisions of Section 10156.7 of the Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

On December 21, 2010, in Case No. H-5525 SAC, an Accusation (hereinafter "Accusation") by a Deputy Real Estate Commissioner of the State of California was filed alleging cause under Sections 10130, 10146, and 10145(c) of the Code and Section 2970 of the Commissioner's Regulations (Title 10 of the California Code of Regulations) in conjunction with

1 Section 10177(d) of the Code for the suspension or revocation of all licenses and license rights of  
2 Respondent under the Real Estate Law.

3 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the  
4 Code of the State of California that any restricted real estate salesperson license heretofore issued  
5 to Respondent, and the exercise of any privileges thereunder, is hereby suspended pending final  
6 determination made after the hearing on the aforesaid Accusation.

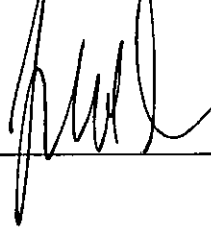
7 IT IS FURTHER ORDERED that all license certificates and identification cards  
8 issued by the Department of Real Estate which are in the possession of Respondent be  
9 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed  
10 envelope to:

11 DEPARTMENT OF REAL ESTATE  
12 ATTN: Flag Section  
13 Post Office Box 187000  
14 Sacramento, CA 95818-7000

15 This Order shall be effective immediately.

16 DATED: 1-7-11

17 JEFF DAVI  
18 Real Estate Commissioner

19   
20 \_\_\_\_\_  
21  
22  
23  
24  
25  
26  
27

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789  
5  
6

**FILED**  
SEP 28 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11 RUBEN GAMINO VENEGAS

12  
13 Respondent )  
14 )

) No. H- 4836 SAC  
)  
)

) **STIPULATION AND**  
) **WAIVER**  
)  
)

15 I, RUBEN GAMINO VENEGAS, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on July 25, 2007, in connection with my application for a real estate  
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further  
27 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:
  - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
26  
27

- 1           3. With the application for license, or with the application for transfer to a new employing broker, I  
2 shall submit a statement signed by the prospective employing broker on a form approved by the  
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4           a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5                 restricted license; and
- 6           b. That broker will carefully review all transaction documents prepared by the restricted  
7                 licensee and otherwise exercise close supervision over the licensee's performance of acts  
8                 for which a license is required.
- 9           4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10           10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months  
11           of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12           successful completion, at an accredited institution, of a course in real estate practices and one of  
13           the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14           real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15           present to the Department satisfactory evidence of successful completion of the two required  
16           courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17           after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18           the restricted license, I have submitted the required evidence of course completion and the  
19           Commissioner has given written notice to Respondent of the lifting of the suspension.
- 20           5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21           under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall  
22           not be entitled to the issuance of another license which is subject to Section 10153.4 until four  
23           years after the date of the issuance of the preceding restricted license.

24           Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending  
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received  
2 the original signed Stipulation and Waiver.

3 08.27.07

4 Dated

RUBEN GAMINO VENEGAS, Respondent

\*\*\*

5 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
6 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
7 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
8 restricted real estate salesperson license to respondent.

9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
10 respondent RUBEN GAMINO VENEGAS if respondent has otherwise fulfilled all of the statutory  
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
12 the foregoing Stipulation and Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED 9/28/07

15  
16 Jeff Davi  
17 Real Estate Commissioner

18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 MARY F. CLARKE, Counsel (SBN 186744)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789  
5 -or- (916) 227-0780 (Direct)

FILED  
JUL 25 2007

DEPARTMENT OF REAL ESTATE

By K. Combes

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 RUBEN GAMINO VENEGAS, ) H-4836 SAC  
13 Respondent. ) STATEMENT OF ISSUES  
14 )

15 The Complainant, CHARLES W. KOENIG, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against RUBEN GAMINO VENEGAS (herein "Respondent") is  
18 informed and alleges as follows:

19 I

20 Complainant, CHARLES W. KOENIG, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues against Respondent in his official capacity.

23 II

24 Respondent made application to the Department of Real  
25 Estate of the State of California for a real estate salesperson  
26 license on or about February 26, 2007, with the knowledge and  
27 understanding that any license issued as a result of said

1 application would be subject to the conditions of Section 10153.4  
2 of the Business and Professions Code (herein "Code").

3 III

4 In response to Question 25 of said application, to  
5 wit: "Have you ever been convicted of any violation of law?  
6 Convictions expunged under Penal Code Section 1203.4 must be  
7 disclosed. However, you may omit minor traffic citations which  
8 do not constitute a misdemeanor or felony offense", Respondent  
9 concealed and failed to disclose the convictions described in  
10 Paragraphs IV, V, VI, and VII, below.

11 IV

12 On or about August 2, 1996, in the Municipal Court of  
13 California, County of Monterey, Respondent was convicted of the  
14 crime of Wet Reckless Driving in violation of Section 23103.5(a)  
15 of the Vehicle Code, a misdemeanor and a crime involving moral  
16 turpitude that bears a substantial relationship under Section  
17 2910, Title 10, Chapter 6 of the California Code of Regulations  
18 (herein "Regulations"), to the qualifications, functions, or  
19 duties of a real estate licensee.

20 V

21 On or about February 4, 1997, in the Municipal Court  
22 of California, County of Monterey, Respondent was convicted of  
23 the crime of Driving With A Suspended License in violation of  
24 Section 14601.5(a) of the Vehicle Code, a misdemeanor and a crime  
25 involving moral turpitude that bears a substantial relationship  
26 under Section 2910 of the Regulations, to the qualifications,  
27 functions, or duties of a real estate licensee.



1 VI

2 On or about January 29, 1998, in the Municipal Court of  
3 California, County of Monterey, Respondent was convicted of the  
4 crime of Driving Under The Influence Of Alcohol in violation of  
5 Section 23152(a) of the Vehicle Code, a misdemeanor and a crime  
6 involving moral turpitude that bears a substantial relationship  
7 under Section 2910 of the Regulations, to the qualifications,  
8 functions, or duties of a real estate licensee.

9 VII

10 On or about June 19, 1998, in the Municipal Court of  
11 California, County of Monterey, Respondent was convicted of the  
12 crime of Driving With A Suspended License in violation of  
13 Section 14601.5(a) of the Vehicle Code, a misdemeanor and a  
14 crime involving moral turpitude that bears a substantial  
15 relationship under Section 2910 of the Regulations, to the  
16 qualifications, functions, or duties of a real estate licensee.

17 VIII

18 Respondent's criminal convictions, described in  
19 Paragraphs IV, V, VI, and VII above, constitute cause for denial  
20 of Respondent's application for a real estate salesperson license  
21 pursuant to the provisions of Sections 480(a) and 10177(b) of  
22 the Code.

23 VIII

24 Respondent's failure to reveal in said application the  
25 convictions set forth in Paragraphs IV, V, VI, and VII, above,  
26 constitute the procurement of or attempt to procure a real estate  
27 license by fraud, misrepresentation, or deceit, or by making a

1 material misstatement of fact in said application, which failure  
2 is cause for denial of Respondent's application for a real estate  
3 salesperson license pursuant to the provisions of Sections 480(c)  
4 and 10177(a) of the Code.

5 WHEREFORE, Complainant prays that the above-entitled  
6 matter be set for hearing and, upon proof of the charges  
7 contained herein, that the Commissioner refuse to authorize the  
8 issuance of, and deny the issuance of a real estate salesperson  
9 license to Respondent, and for such other and further relief as  
10 may be proper under other provisions of law.

11  
12  
13  
14   
15 CHARLES W. KOENIG  
16 Deputy Real Estate Commissioner  
17

18 Dated at Sacramento, California  
19 this 29th day of June, 2007.  
20  
21  
22  
23  
24  
25  
26  
27