

1 JUDITH B. VASAN, Counsel (SBN 278115)  
2 Bureau of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6904  
7 Fax: (213) 576-6917  
8 *Attorney for Complainant*

**FILED**

APR 16 2018

BUREAU OF REAL ESTATE

By *[Signature]*

9 BEFORE THE BUREAU OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of ) No. H-04989 SD  
13 RICARDO GARCIA, ) STATEMENT OF ISSUES  
14 Respondent. )  
15 \_\_\_\_\_ )

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
17 State of California, for Statement of Issues against RICARDO GARCIA ("Respondent"), is  
18 informed and alleges in her official capacity as follows:

19 1.

20 On or about August 26, 2016, Respondent made application to the Bureau of  
21 Real Estate ("Bureau") of the State of California for a real estate salesperson license. On  
22 November 14, 2016, the Bureau received a second application for a real estate salesperson  
23 license from Respondent.

24 ///

25 ///

26 ///

27 ///

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTIONS)

3 2.

4 On or about February 13, 2003, in the United States District Court, Southern  
5 District of California, Case No. 02CR2480-GT, Respondent was convicted on a plea of guilty  
6 for violation of Title 21 of the United States Code sections 952 and 960 (importation of  
7 cocaine, to wit, approximately 1.05 kilograms), a felony. Respondent was sentenced to  
8 imprisonment for 27 months followed by 4 years of supervised release under certain terms and  
9 conditions, including in part, refraining from any unlawful use of a controlled substance.

10 3.

11 On or about September 21, 2010, in the Superior Court of California, County of  
12 San Diego, Case No. M109735, Respondent was convicted on a plea of guilty for violation of  
13 Vehicle Code section 14601.1(a) (knowingly driving when privilege suspended or revoked), a  
14 misdemeanor. Respondent was placed on summary probation for 3 years and ordered to pay  
15 fines and fees.

16 4.

17 On or about September 12, 2011, in the Superior Court of California, County of  
18 San Diego, Case No. S246871, Respondent was convicted on a plea of guilty for violation of  
19 Vehicle Code section 14601.1(a) (knowingly driving when privilege suspended and revoked  
20 with a special allegation for violation of Vehicle Code section 14601.1(b)(2) (prior offenses  
21 within 5 years)), a misdemeanor. Respondent was placed on summary probation for 3 years and  
22 ordered to serve 5 days in county jail. In lieu of payment of fines and fees, Respondent was  
23 ordered to complete 20 days of a public service program.

24 5.

25 The crimes of which Respondent was convicted as described in Paragraphs 2  
26 through 4 above, by their facts and circumstances, bear a substantial relationship under Section  
27

1 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or  
2 duties of a real estate licensee.

3 6.

4 The crimes of which Respondent was convicted, as described in Paragraphs 2  
5 through 4 above, constitute cause for denial of Respondent's application for a real estate license  
6 under California Business and Professions Code sections 480(a)(1) and 10177(b).

7 SECOND CAUSE FOR DENIAL

8 (FAILURE TO DISCLOSE CONVICTIONS)

9 7.

10 On or about August 26, 2016, Respondent submitted an application for a real  
11 estate salesperson license. In response to Question 28, under "BACKGROUND  
12 INFORMATION," of Respondent's license application, to wit, "HAVE YOU EVER BEEN  
13 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT  
14 THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH  
15 INFORMATION ON EACH CONVICTION," Respondent marked "YES" but failed to  
16 disclose the convictions as alleged in Paragraphs 3 and 4 above in Item 34 of his application.

17 8.

18 On or about November 14, 2016, Respondent submitted a second application for  
19 a real estate salesperson license, at the request of the Bureau, to correct the broker certification  
20 portion of his application. In response to Question 28, under "BACKGROUND  
21 INFORMATION," of Respondent's license application, to wit, "HAVE YOU EVER BEEN  
22 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT  
23 THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH  
24 INFORMATION ON EACH CONVICTION," Respondent marked "YES" but failed again  
25 to disclose the convictions as alleged in Paragraphs 3 and 4 above in Item 34 of his application.

26 ///

27 ///

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

9.

Respondent's failure to disclose the convictions, as set forth in Paragraphs 3 and 4 above, in his license applications constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an application, which is grounds for denial of the issuance of a license under California Business and Professions Code Section 10177(a).

(FAILURE TO DISCLOSE LICENSE DENIAL BY A STATE AGENCY)

10.

On or about December 1, 2006, Respondent filed an application with the California Department of Motor Vehicles for the issuance of a vehicle salesperson license. The application was rejected and Respondent requested a hearing on the matter. On June 13, 2008, in Case No. RS-08-0190, the Department of Motor Vehicles filed a Statement of Issues against Respondent requesting his application be denied based on his conviction as described in Paragraph 2 above. A hearing was scheduled for August 22, 2008, and the matter was called for hearing. Respondent failed to appear. The matter was decided and Respondent's application for a vehicle salesperson license was denied on October 14, 2008, effective November 19, 2008.

11.

In response to Question 30, under "BACKGROUND INFORMATION," of Respondent's license applications submitted to the Bureau on or about August 26, 2016, and November 14, 2016, to wit, "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY OTHER STATE? **IF YES, COMPLETE ITEM 35,**" Respondent marked "NO" on both applications and failed to disclose the denial of a vehicle salesperson license, as described in Paragraph 10 above, in Item 35 of his applications.

12.

Respondent's failure to disclose the license denial by another state agency, as set forth in Paragraphs 10 and 11 above, in his license applications constitutes an attempt to

1 procure a real estate license by fraud, misrepresentation, or deceit, or by making a material  
2 misstatement of fact in an application, which is grounds for denial of the issuance of a license  
3 under California Business and Professions Code Section 10177(a).

4 13.

5 These proceedings are brought under the provisions of Section 10100, Division  
6 4 of the Business and Professions Code of the State of California and Sections 11500 through  
7 11528 of the California Government Code.

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

13  
14 Dated at San Diego, California this 12 day of April, 2018.

15  
16  
17 V. Kilpatrick  
18 Veronica Kilpatrick  
19 Supervising Special Investigator

20  
21  
22  
23  
24  
25 cc: RICARDO GARCIA  
26 Veronica Kilpatrick  
27 Sacto.