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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrook  
C. Westbrook

In the Matter of the Application of )  
VIRGILIO R. CORDOVA, )  
Respondent. )

No. H-6052 SF

OAH No. N-32176

DECISION

The Proposed Decision dated January 12, 1989, 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 with the following exception.

Condition 4.D. of the Order of the Proposed Decision is not adopted and shall not be part of the Decision.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of respondent.

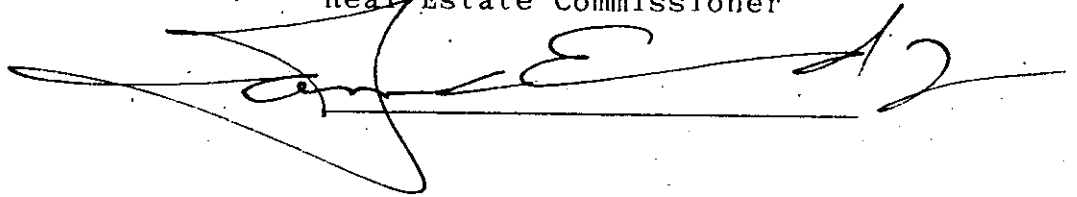
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be

considered by the Real Estate Commissioner. A copy of the  
Commissioner's Criteria of Rehabilitation is attached hereto.

The Decision shall become effective at 12 o'clock  
noon on February 27, 1989.

IT IS SO ORDERED 1-27, 1989.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

A large, stylized handwritten signature in black ink, likely belonging to James A. Edmonds, Jr., is written over a horizontal line. The signature is fluid and cursive, with a large 'J' and 'E' being prominent.

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application	)	
of	)	CASE No. H-6052 SF
	)	
VIRGILIO ROLANDO CORDOVA,	)	OAH No. N-32176
	)	
Respondent.	)	
	)	

---

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings, State of California on January 4, 1989 in San Francisco, California.

Complainant was represented by Vera Winter Lee, Staff Counsel.

Respondent was present and represented by Dennis P. Ruel, Attorney at Law, One California Street, Suite 1550, San Francisco, California 94111.

FINDINGS OF FACT

I

Edward V. Chiolo made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Virgilio Rolando Cordova (respondent) made application to the Department of Real Estate, State of California (Department) for a real estate salesperson license on May 4, 1988 with the knowledge and understanding that any license issued as a result of the application would be subject to certain conditions.

### III

On October 15, 1981, in the Superior Court of California, County of San Luis Obispo, respondent was convicted of a violation of section 11351 of the Health and Safety Code (H & S Code) (Possession of Cocaine for Sale), a felony which is a crime involving moral turpitude and which is substantially related to the duties, qualifications and functions of a real estate licensee.

### IV

Respondent was arrested as part of a transaction that involved a pound of cocaine. He was sentenced to one year in county jail and given credit for eight months already served. Respondent was placed on five years probation on certain terms and conditions including the payment of a fine. Respondent met all the terms and conditions of his probation and has been discharged.

### V

Respondent no longer associates with the people involved in the incident that resulted in the conviction set forth in Finding III. He has since married and has a one year old child. In addition to his wife and child, he supports his grandmother who lives with him. He has recently purchased a house. His family life appears to be stable.

### VI

Respondent has been working with his brother buying and selling cars. He has applied to the Department of Motor Vehicles for a vehicle salesperson's license which he has not received. He is a trained jet mechanic and ground maintenance worker having been trained in the U.S. Air Force during his four years of military service. Respondent is also a trained hair stylist. However, he has never had a cosmetologist license in California. Respondent has been regularly employed since his release from jail in 1982.

### VII

Respondent never had a problem with drug or alcohol abuse and continues to be abuse free.

## VIII

Respondent is sorry that he became involved in illegal activities. He is unlikely to repeat this offense. It would not be against the public interest to grant respondent a restricted conditional license at this time.

### DETERMINATION OF ISSUES

#### I

By reason of the matters set forth in Findings III and IV, cause for denial exists pursuant to sections 480(a) and 10177(b) of the Business and Professions Code.

#### II

The matters in rehabilitation as set forth in Findings IV, V, VI, VII and VIII have been considered in making the following order.

#### ORDER

1. The application of Virgilio Rolando Cordova for a real estate salesperson license is hereby denied, however;

2. A conditional restricted real estate salesperson license shall be issued to respondent under Business and Professions Code section 10156.5 if respondent makes application therefor and pays to the Department of Real Estate the appropriate fees for said license within ninety (90) days of the Decision.

3. Respondent qualified to take the real estate salesperson examination pursuant to section 10153.3 of the Business and Professions Code and therefore required to comply with Section 10153.4 of the Code. The restricted real estate salesperson license issued to respondent shall also be subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license under the provisions of section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in section 10153.2, other than real estate principles, advanced

legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after issuance of the restricted license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

4. The conditional restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following conditions:

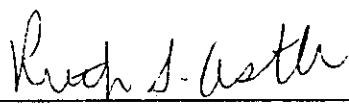
- A. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.
- B. Said restricted license may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that respondent has violated the provisions of the California Real Estate Law, Regulations of the Real Estate Commissioner and conditions attaching to the restricted license.
- C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions of a restricted license until one (1) year has elapsed from the date of issuance of the restricted license to respondent.
- D. Respondent shall within 12 months from the effective date of this Decision, present evidence satisfactory to the 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

*Not  
adopted*

E. Respondent shall submit with his application for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:

- (i) That he/she read the Decision of the Commissioner which granted the right to a restricted license; and
- (ii) The he/she will exercise close supervision over the performance by the restricted licensee of the activities for which a real estate license is required.

DATED: 11/12/89

  
\_\_\_\_\_  
RUTH S. ASTLE  
Administrative Law Judge

RSA:hrs

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrook  
C. Westbrook

In the Matter of the Application of

VIRGILIO ROLANDO CORDOVA,

Case No. H-6052 SF

OAH No. N 32176

Respondent

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 Office of  
Administrative Hearings, State Bldg., Rm 2248, 455 Golden Gate Ave., San Francisco, CA 94102  
(2 hour hearing)  
on the 4th day of January, 19 89, at the hour of 3:00 p.m., or as soon thereafter  
as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by 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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: November 1, 1988

By Vera Winter Lee  
VERA WINTER LEE, Counsel ew



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NOV 01 1988

1 VERA WINTER LEE, Counsel  
2 Department of Real Estate  
3 185 Berry Street, Room 5816  
4 San Francisco, CA 94107-1770

(415) 557-3220

DEPARTMENT OF REAL ESTATE

By C. Westbrook  
C. Westbrook

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10  
11 In the Matter of the Application of )  
12 VIRGILIO ROLANDO CORDOVA, )  
13 Respondent. )

No. H-6052 SF

AMENDED  
STATEMENT OF ISSUES

14  
15 The Complainant, EDWARD V. CHIOLO, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against VIRGILIO ROLANDO CORDOVA (hereinafter respondent)  
18 alleges as follows:

19 1

20 Respondent, pursuant to the provisions of Section  
21 10153.3 of the Business and Professions Code, made application  
22 to the Department of Real Estate of the State of California for  
23 a real estate salesperson license on or about May 4, 1988 with  
24 the knowledge and understanding that any license issued as a  
25 result of said application would be subject to the conditions  
26 of Section 10153.4 of the Business and Professions Code.

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II

Complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

On or about October 15, 1981, in the Superior Court of California, County of San Luis Obispo, respondent was convicted of a violation of Section 11351 of the California Health and Safety Code (POSSESSION OF COCAINE FOR SALE), a felony and a crime involving moral turpitude and 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 above, constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the 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 in the premises.

*Edward V. Chio*  
\_\_\_\_\_  
EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

Dated at San Francisco, California,  
this 28th day of October, 1988.

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

OCT 17 1988  
DEPARTMENT OF REAL ESTATE

By C. Westbrook  
C. Westbrook

In the Matter of the Application of

VIRGILIO ROLANDO CORDOVA,

Case No. H-6052 SF

OAH No. N 32176

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 Office of  
Administrative Hearings, State Bldg., Rm 2248, 455 Golden Gate Ave., San Francisco, CA 9410  
(two hour hearing)  
on the 23rd day of November, 19 88, at the hour of 9:00 a.m. or as soon thereafter  
as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by 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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: October 17, 1988

By Vera Winter Lee  
VERA WINTER LEE, Counsel

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AUG 17 1988

VERA WINTER LEE, Counsel  
Department of Real Estate  
185 Berry Street, Room 5816  
San Francisco, CA 94107-1770

(415) 557-3220

DEPARTMENT OF REAL ESTATE

By C. Westbrook  
C. Westbrook

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of )  
VIRGILIO ROLANDO CORDOVA, )  
Respondent. )

No. H- 6052 SF  
STATEMENT OF ISSUES

The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate  
Commissioner of the State of California, for Statement of Issues  
against VIRGILIO ROLANDO CORDOVA (hereinafter respondent) alleges  
as follows:

I

VIRGILIO ROLANDO CORDOVA made application to the  
Department of Real Estate of the State of California for a real  
estate salesperson license on or about May 4, 1988.

II

Complainant, EDWARD V. CHIOLO, a Deputy Real Estate  
Commissioner of the State of California, makes this Statement of  
Issues in his official capacity.

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III

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IV

The crime of which respondent was convicted, as alleged in Paragraph III above, constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the 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 in the premises.

*Edward V. Chio*

EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

Dated at San Francisco, California,  
this 16<sup>th</sup> day of August, 1988.