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NOV 01 2011
DEPARTMENT OF REAL ESTATE
By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

FELIX CALANO NATNAT,

Respondent.

No. H-8344 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 24, 2003, in Case No. H-8344 SF, a Decision was rendered revoking the real estate broker license of Respondent effective September 25, 2003. On January 4, 2006 an order was entered herein denying Respondent's petition for reinstatement of Respondent's real estate broker license, but granting Respondent the right to issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 2, 2007, and Respondent has operated as a restricted licensee since that time.

On November 21, 2008, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

1 requirements of law for the issuance to Respondent of an unrestricted real estate broker license
2 and that it would not be against the public interest to issue said license to Respondent.

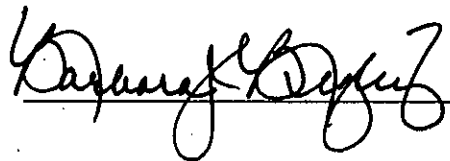
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate broker license be issued to Respondent if
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate broker
7 license within the 12 month period following the date of this Order; and
- 8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 9/8/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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FILED
JAN 09 2006
DEPARTMENT OF REAL ESTATE
By *Juan Belmont*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-8344 SF
)
FELIX CALANO NATNAT,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On July 24, 2003, in Case No. H-1937 SAC, a Decision was rendered revoking the real estate broker license of Respondent.

On December 29, 2004, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real estate broker license.

1 The burden of proving rehabilitation rests with the
2 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
3 petitioner is required to show greater proof of honesty and
4 integrity than an applicant for first time licensure. The proof
5 must be sufficient to overcome the prior adverse judgment on the
6 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
7 395).

8 The Decision in this matter found cause to discipline
9 Respondent's license pursuant to the provisions of Sections 490
10 and 10177(b) of the California Business and Professions Code
11 based on Respondent's February 5, 2001 conviction for Battery
12 Against Spouse in violation of Penal Code Section 243(e)(1). The
13 Administrative Law Judge correctly found that this is a crime
14 involving moral turpitude that is substantially related to the
15 qualifications, functions and/or duties of a real estate
16 licensee. Marriage is a special relationship for which society
17 rationally demands, and each spouse may reasonably expect,
18 stability and safety, and in which each spouse, for these reasons
19 among others, may be especially vulnerable. To have joined in,
20 and thus necessarily to be aware of that special relationship,
21 and then to violate it wilfully and with intent to injure,
22 necessarily connotes the general readiness to do evil that has
23 been held to define moral turpitude. People v. Rodriguez (1992)
24 5 Cal. App. 4th 1398. Spousal battery also involves the intent
25 and threat of serious injury that makes the crime substantially
26 related under Regulation 2910(a)(8). With respect to Respondent's
27

1 testimony at the June 25, 2003 hearing, the Administrative Law
2 Judge found:

3 "6. "...But Respondent has introduced additional and
4 rather serious concerns into these proceedings, namely
5 his inability to be truthful and honest. His version of
6 what occurred back in September 2000 is simply not
7 credible and his persistent denial of any wrongdoing
8 negates any other positive steps that he may have taken
9 to demonstrate that he is rehabilitated. [¶] A real
10 estate licensee must possess the qualifications of
11 honesty and integrity. A real estate broker often acts
12 in a confidential and fiduciary capacity for his
13 clientele. Public trust and confidence in real estate
14 licensees arises from the belief that they "have
15 demonstrated a degree of honesty and integrity in order
16 to have obtained such a license." (Golde v. Fox (1979)
17 98 Cal. App. 3d. 167, 178.) Respondent's apparent
18 dishonesty makes it very difficult to justify placing
19 him on probation at this time. It would be contrary to
20 the public interest to do so."

21 In his petition, Respondent admits: "when I contested
22 the Department's effort to take my license, I acted intentionally
23 and irresponsibly in both my written statements and testimony."
24 Thus, the Decision revoking Respondent's license rested properly
25 not only on a 2001 conviction involving the wilful violation of a
26 special relationship of trust and confidence, but also on
27 Respondent's dishonest testimony during the June 25, 2003
hearing.

Given the violations found and Respondent's and
dishonest testimony, I am not satisfied that Respondent is
sufficiently rehabilitated to receive an unrestricted real estate
broker license. Of concern is the fact that Respondent has not
engaged as a broker in the operation of a real estate brokerage
business or otherwise acted in a fiduciary capacity, so

1 Respondent has not established that he has complied with Section
2 2911 (k), Title 10, California Code of Regulations. Additional
3 time and evidence of correction as a restricted real estate
4 broker is necessary to establish that Respondent is
5 rehabilitated.

6 I am satisfied, however, that it will not be against
7 the public interest to issue a restricted real estate broker
8 license to Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement of Respondent's real estate broker
11 license is denied.

12 A restricted real estate broker license shall be issued
13 to Respondent pursuant to Section 10156.5 of the Business and
14 Professions Code, if Respondent satisfies the following
15 conditions prior to and as a condition of obtaining a restricted
16 real estate broker license within nine (9) months from the date
17 of this Order:

18 1. Respondent shall take and pass the real estate
19 broker license examination.

20 2. Submittal of a completed application and payment of
21 the fee for a real estate broker license.

22 The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
25 conditions and restrictions imposed under authority of Section
26 10156.6 of that Code:

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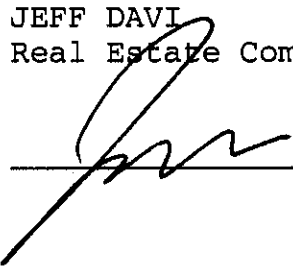
1 A. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 B. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 C. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license or the removal of
14 any of the limitations, conditions or restrictions of a
15 restricted license until two (2) years have elapsed from the date
16 of the issuance of the restricted license to respondent.

17 This Order shall become effective at 12 o'clock
18 noon on JAN 30 2006

19 DATED: 7-4-06

20 JEFF DAVI
21 Real Estate Commissioner
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FILED

AUG 26 2003

DEPARTMENT OF REAL ESTATE

Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FELIX CALANO NATNAT) No. H-8344 SF
Respondent.)

ORDER STAYING EFFECTIVE DATE

On July 24, 2003, a Decision was rendered in the above-entitled matter to become effective August 28, 2003.

On August 26, 2003, Respondent petitioned for reconsideration of the Decision of July 24, 2003.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed for a period of thirty (30) days. The Decision of July 24, 2003, shall become effective at 12 o'clock noon on September 25, 2003.

DATED: August 26, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

FELIX CALANO NATNAT,

Respondent.

Case No. H-8344 SF

OAH No. N2003040554

PROPOSED DECISION

This matter was heard before Administrative Law Judge Jonathan Lew, State of California, Office of Administrative Hearings on June 25, 2003, in Oakland, California.

Complainant Les R. Bettencourt was represented by Michael B. Rich, Counsel, Department of Real Estate.

Respondent Felix Calano Natnat was present and represented by Brian K. Ross, Esq.

The case was submitted for decision on June 25, 2003.

FACTUAL FINDINGS

1. Complainant Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

2. Felix Calano Natnat (respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) as a real estate broker. His broker license will expire on November 4, 2003, unless renewed. As of November 5, 1999, he did business under the names Canaan California Realty and Canaan California Mortgage.

3. On February 5, 2001, in the Superior Court of California, Hayward Hall of Justice, County of Alameda (Case No. 346514), respondent was convicted of violating California Penal Code section 243(e)(1) (Battery against spouse). This is a crime involving moral turpitude that is substantially related under section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

Respondent was placed on three (3) years probation, the terms of which included five (5) days in county jail with credit for time served, and participation in a 52-week domestic violence batterers' reeducation program. He successfully completed the reeducation

program through Integrated Counseling & Consulting Services on July 22, 2002. His criminal probation will end on February 5, 2004.

4. The circumstances of respondent's arrest and conviction are that on September 30, 2000, he struck his wife, Charito M. Natnat with a belt and pushed and caused her to fall to the ground. Mrs. Natnat had arrived home in the evening and respondent refused to let her inside their residence. She tried to come in through a window and respondent prevented her from doing so. In frustration, Mrs. Natnat hit the window with her fist, causing it to break. She also cut her right arm and left thumb as a result of the broken glass. Respondent then went outside their residence, belt in hand, and whipped her two or three times in her back and pushed her to the ground. She sustained welts on her back and a slightly skinned left elbow. Two of the couple's daughters witnessed this incident and along with Mrs. Natnat they provided the above account to investigating officers from the Hayward Police Department. At the time of his arrest, respondent acknowledged that he and his wife had been arguing and he admitted to holding a black belt that police had recovered and shown to him. At the time of his arrest he denied hitting his wife, allowing only that he "pushed at her with it" and that he thought she might have sustained the welts on her back when she fell backwards onto the ground.

Respondent had no history prior to this incident of striking his wife. The two insist that their relationship has been very good since. Respondent notes that they work, pray and play together. She has joined him at his business. They attend church together at Bayside Christian Center in San Lorenzo. They received pastoral counseling and have also attended bible studies. Respondent avers that he learned a lot from the domestic violence batterers' reeducation program and that there have been no other incidents since his September 2000 arrest.

5. However, respondent denies having ever intentionally or knowingly striking his wife. His story is that he was engaged in dinner conversation with his father when he heard glass breaking. When he went outside to investigate he was seized and held from behind by an unknown assailant who attempted to wrestle him to the ground. He claims that the unknown assailant later turned out to be his son. Respondent avers that he resisted by swinging his arms and during that process he inadvertently struck Mrs. Natnat, causing her to fall to the ground. Mrs. Natnat has recanted her previous statements to police and now supports respondent's version of what had occurred. Respondent also offers a declaration from his father to this same effect.

Respondent's account is not at all convincing. He did not provide this version of events to police and there is no record of his father or son being interviewed at the time of the incident. His two daughters provided consistent accounts to police of their observations, both corroborating Mrs. Natnat's original account, and one of the daughters reportedly went across the street to call for police assistance. The physical evidence (broken window, black belt, injuries) also support Mrs. Natnat's original statements to police. It is unlikely that welts on his wife's back would be caused by her falling on the ground. Respondent submitted the declarations of his wife and father to the Department in support of his case.

The style, syntax and wording contained in these declarations are very similar to other written statements made and prepared by respondent. It does appear that he is orchestrating the effort to paint a very different picture of what had occurred. He suggests that the black ladies belt recovered and shown to him by police was only 6" long and used for their puppies. Respondent accuses a neighbor of plotting to destroy his marriage, conspiring to have him arrested and planting the idea in his wife's mind that he was being unfaithful. Although there is evidence of ongoing disputes involving this neighbor, it appears that the neighbor had only indirect involvement in this case – respondent's daughter went to his house to contact the police. And while respondent has a pending malicious prosecution case against this same neighbor it is not based on any of the neighbor's actions in connection with the domestic violence incident.

6. In disciplinary proceedings involving criminal convictions focus is typically directed at evaluating the degree to which a licensee has demonstrated rehabilitation relating to the underlying conviction, in this case domestic violence. It would normally be enough for a licensee to have completed a 52-week course for domestic violence batterers, to have gained insights into the causes of domestic violence and to have acquired skills for managing relational difficulties. But respondent has introduced additional and rather serious concerns into these proceedings, namely his inability to be truthful and honest. His version of what occurred back in September 2000 is simply not credible and his persistent denial of any wrongdoing negates any other positive steps that he may have taken to demonstrate that he is rehabilitated.

A real estate licensee must possess the qualifications of honesty and integrity. A real estate broker often acts in a confidential and fiduciary capacity for his clientele. Public trust and confidence in real estate licensees arises from the belief that they "have demonstrated a degree of honesty and integrity in order to have obtained such a license." (*Golde v. Foxe* (1979) 98 Cal.App.3d 167, 178.) Respondent's apparent dishonesty makes it very difficult to justify placing him on probation at this time. It would be contrary to the public interest to do so.

LEGAL CONCLUSIONS

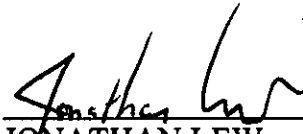
1. Cause exists for disciplinary action against respondent under Business and Professions Code sections 490 and 10177(b), by reason of the matters set forth in Finding 3. Respondent was convicted of a crime involving moral turpitude that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee. (Cal. Code Regs., tit. 10, § 2910.)

2. The matters set forth in Findings 4 through 6 were considered in making the following Order. It would be contrary to the public interest or welfare to issue respondent a probationary real estate broker license at this time.

ORDER

All licenses and licensing rights of respondent Felix Calano Natnat under the Real Estate Law are revoked.

DATED: July 11, 2003



JONATHAN LEW
Administrative Law Judge
Office of Administrative Hearings

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
APR 16 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

Shelly Ely

FELIZ CALANO NATNAT

} Case No. H-8344 SF

} OAH No.

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 THE OFFICE OF ADMINISTRATIVE HEARINGS, ELIHU M. HARRIS BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on WEDNESDAY--JUNE 25, 2003, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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 and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: APRIL 16, 2003

By *Michael B. Park*
Counsel

1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

MAR 08 2003

DEPARTMENT OF REAL ESTATE

By Juan Aroneta

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

11 * * *

12 In the Matter of the Accusation of)
13 FELIZ CALANO NATNAT,) NO. H-8344 SF
14 Respondent.) ACCUSATION
15)

16 The Complainant, LES R. BETTENCOURT, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 accusation against FELIZ CALANO NATNAT (hereinafter referred to
19 as "Respondent") is informed and alleges as follows:

20 I

21 Respondent is presently licensed and/or has license
22 rights under the Real Estate Law (Part 1 of Division 4 of the
23 California Business and Professions Code) as a real estate
24 broker.

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II

The Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

III

On or about February 5, 2001, in the Municipal Court, County of Alameda, Respondent was convicted of violating California Penal Code Section 243(e)(1) (Battery against spouse), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, under the Real Estate Law (Part 1 of Division 4 of the Business and

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1 Professions Code) and for such other and further relief as may be
2 proper under other provisions of law.

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5
6 LES R. BETTENCOURT
Deputy Real Estate Commissioner

7 Dated at Oakland, California,
8 this 25th day of February, 2003

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