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FILED

MAY 25 2011

DEPARTMENT OF REAL ESTATE
By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of

CHARLES D. HERNANDEZ,

No. H-9801 SF

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On April 24, 2007, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 5, 2007, and Respondent has operated as a restricted licensee since that time.

On December 9, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

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1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate salesperson 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
7 salesperson 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 IT IS SO ORDERED

5/23/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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

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APR 30 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 CHARLES D. HERNANDEZ

12
13 Respondent

) No. H-09801 SF

)
)
)
) STIPULATION AND
) WAIVER

14
15 It is hereby stipulated by and between CHARLES D. HERNANDEZ (hereinafter "Respondent") and
16 Respondent's attorney, THOMAS C. LASKEN, and the Complainant, acting by and through DANIEL E.
17 KEHEW, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
18 the Statement of Issues filed on December 8, 2006, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

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

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

1 I have reviewed the Stipulation and Waiver as to form and content and have advised my client
2 accordingly.

3 March 13, 2007
4 Dated

5 Tom C. Lasken
6 THOMAS C. LASKEN, Attorney for Respondent

7 * * *

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

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
13 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
14 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
15 Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED 4-24-07

18 Jeff Davi
19 Real Estate Commissioner

20 Jeff Davi
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1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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FILED
DEC - 8 2006

DEPARTMENT OF REAL ESTATE

By B. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 CHARLES D. HERNANDEZ,)
13 Respondent.)

H-9801 SF

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 CHARLES D. HERNANDEZ (hereinafter "Respondent");
18 also known as Carlos Hernandez, is informed and alleges as
19 follows:

20 I

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

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate salesperson
27 license on or about April 15, 2005.

1 III

2 On or about October 24, 1986, in the Superior Court of
3 the State of California, County of Santa Clara, Respondent was
4 convicted of Assault With a Deadly Weapon in violation of Penal
5 Code Section 245(a)(1), a felony and crime involving moral
6 turpitude that bears a substantial relationship under Section
7 2910, Title 10, California Code of Regulations (hereinafter
8 "Regulations"), to the qualifications, functions, or duties of a
9 real estate licensee.

10 IV

11 On or about December 18, 1991, in the Superior Court of
12 the State of California, County of Santa Clara, Respondent was
13 convicted of Assault With a Deadly Weapon in violation of Penal
14 Code Section 245(a)(1), and of Hit and Run With Injury or Death
15 in violation of Vehicle Code Section 20001(b)(1), each crime a
16 felony and crime involving moral turpitude that bears a
17 substantial relationship under Section 2910, Title 10, of the
18 Regulations to the qualifications, functions, or duties of a real
19 estate licensee.

20 V

21 Respondent's convictions, described in Paragraphs III
22 and IV above, constitute cause for denial of Respondent's
23 application for a real estate license under Sections 480(a) and
24 10177(b) of the Code.

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WHEREFORE, Complainant prays that 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 just and proper under the law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 7th day of December, 2006.