

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

JUN - 2 2010

DEPARTMENT OF REAL ESTATE

R. Henry

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

11 * * *

12 In the Matter of the Accusation of)
13 JUAN RAMIREZ LOZANO,) NO. H-10694 SF
14)
15 Respondent.) ORDER EXTENDING TIME
16)

17
18 On May 29, 2009, the above captioned Accusation was filed against Respondent.
19 Settlement was reached pursuant to Stipulation and Agreement with the Commissioner of the
20 Department of Real Estate adopting the Stipulation and Agreement as his decision effective
21 December 2, 2009.

22 As one of the conditions for the issuance of a restricted real estate broker license
23 to Respondent, Respondent was to take and pass the Department's Professional Responsibility
24 Examination within six (6) months from the issuance of the restricted license.

25 Respondent's restricted license was issued on December 2, 2009 and therefore the
26 last day to comply with this requirement is June 2, 2010.
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Respondent has requested a two month extension to take and pass the examination on the grounds that a family medical emergency and the need to attend to related family issues created a hardship on Respondent that prevented him from timely complying with this requirement. Respondent has requested an extension of time in order to comply with the requirement. Currently Respondent is scheduled to take the Professional Responsibility Examination on June 8, 2010 and is requesting a two month stay so that he can take the examination and, if necessary, retake the examination in July 2010 should he fail to achieve a passing score on the June 2010 examination.

Good cause having been shown, the time during which Respondent must take and pass the Professional Responsibilities Examination, is hereby extended to August 3, 2010.

This Order shall be effective immediately.

DATED: 6/2, 2010

JEFF DAVI
Real Estate Commissioner


By: WAYNE BELL
CHIEF COUNSEL

FILED

NOV 12 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

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10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 JUAN RAMIREZ LOZANO,)
14)
15)
16 Respondent.)
17)

NO. H-10694 SF

STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between JUAN RAMIREZ LOZANO (herein
19 "Respondent") and his attorney MAXINE MONAGHAN, and the Complainant, acting by and
20 through KENNETH C. ESPELL, Counsel for the Department of Real Estate, as follows, for the
21 purpose of settling and disposing the Accusation filed on May 29, 2009, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the Administrative Procedures Act (APA),
25 shall instead and in place thereof be submitted solely on the basis of the provisions of this
26 Stipulation and Agreement.
27

1 2. Respondent has received, read and understands the Statement to Respondent,
2 and the Discovery Provisions of the APA filed by the Department of Real Estate in this
3 proceeding.

4 3. On or about June 10, 2009, Respondent filed his Notice of Defense pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
6 in this matter. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
7 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
8 will thereby waive his right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA, and that he
10 will waive other rights afforded to him in connection with the hearing such as the right to present
11 evidence in defense of the allegations pertaining to him in the Accusation and the right to cross-
12 examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation.
14 In the interests of expedience and economy, Respondent chose not to contest these allegations,
15 but to remain silent and understands that, as a result thereof, these factual allegations, without
16 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
17 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
18 said factual allegations.

19 5. It is understood by the parties that the Real Estate Commissioner may adopt
20 the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and
21 sanctions on Respondent's real estate license and license rights as set forth in the below "Order".
22 In the event that the Commissioner in his discretion does not adopt the Stipulation and
23 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
24 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
25 any admission or waiver made herein.

26 6. The Order or any subsequent Order of the Real Estate Commissioner made
27 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to any

1 further administrative or civil proceedings by the Department of Real Estate with respect to any
2 matters which were not specifically alleged to be causes for accusation in this proceeding.

3 * * *

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and waivers, and for the
6 purpose of settlement of the pending Accusation as to Respondent only, without a hearing, it is
7 stipulated and agreed that the following determination of issues shall be made:

8 The acts and/or omissions of Respondent, in connection with the failure to
9 disclose a criminal conviction in Respondent's November 2003 real estate salesperson license
10 renewal application and Respondent's September 2007 application for a real estate broker license
11 as alleged in the Accusation, violate Sections 10177(a) of the California Business and
12 Professions Code (hereinafter the "Code") and constitute cause for the suspension or revocation
13 of all licenses and license rights of Respondent under the Real Estate Law.

14 * * *

15 ORDER

- 16 A. The real estate broker license and license rights of Respondent JUAN RAMIREZ
17 LOZANO are hereby revoked.
- 18 B. A restricted real estate broker license shall be issued to Respondent pursuant to Section
19 10156.6 of the Code, if Respondent makes application therefore and pays to the
20 Department of Real Estate the appropriate fee for said license within ninety (90) days from
21 the effective date of this Decision.
- 22 C. The restricted license issued to Respondent shall be subject to all of the provisions of
23 Section 10156.7 of the Business and Professions Code and to the following limitations,
24 conditions, and restrictions imposed under authority of Section 10156.6 of that Code:
- 25 (1) The restricted license issued to Respondent may be suspended prior to hearing by
26 Order of the Real Estate Commissioner in the event of Respondent's conviction or
27

1 plea of nolo contendere to a crime which is substantially related to Respondent's
2 fitness or capacity as a real estate licensee.

3 (2) The restricted license issued to Respondent may be suspended prior to hearing by
4 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
5 that Respondent has violated provisions of the California Real Estate Law, the
6 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions
7 attaching to the restricted license.

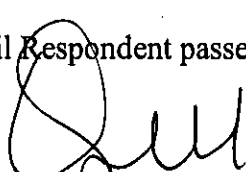
8 (3) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
9 license, nor the removal of any of the conditions of the restricted license, until two (2)
10 years have elapsed from the effective date of this Decision.

11 (4) Respondent shall, within nine (9) months from the effective date of this Decision,
12 present evidence satisfactory to the Real Estate Commissioner that Respondent has,
13 since the most recent issuance of an original or renewal real estate license, taken and
14 successfully completed the continuing education requirements of Article 2.5 of
15 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent
16 fails to satisfy this condition, the Commissioner may order the suspension of the
17 restricted license until the Respondent presents such evidence. The Commissioner
18 shall afford Respondent the opportunity for hearing pursuant to the Administrative
19 Procedure Act to present such evidence.

20 (5) Respondent shall, within six (6) months from the issuance of the restricted license,
21 take and pass the Professional Responsibility Examination administered by the
22 Department, including the payment of the appropriate examination fee. If
23 Respondent fails to satisfy this condition, the Commissioner may order the
24 suspension of the restricted license until Respondent passes the examination.

25 8/26/2008

26 DATED

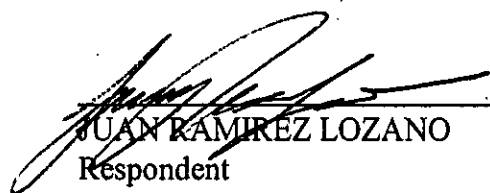
27 
KENNETH C. ESPELL
Counsel for the Complainant

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I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations as to me in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

8-24-09

DATED

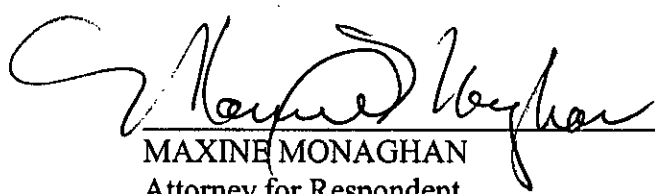


JUAN RAMIREZ LOZANO
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

8/24/09

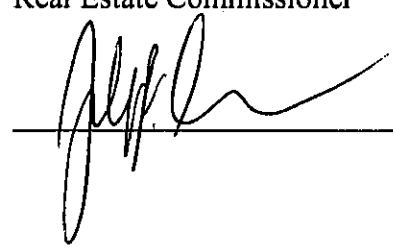
DATED



MAXINE MONAGHAN
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on DEC 02 2009, 2009.

IT IS SO ORDERED 10-21-09

JEFF DAVI
Real Estate Commissioner


1 KENNETH C. ESPELL, Counsel (SBN 178757)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
5 -or- (916) 227-0868 (Direct)

FILED

MAY 29 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) H- 10694 SF
12)
13 JUAN RAMIREZ LOZANO,) ACCUSATION
14)
15 Respondent.)

16 The Complainant, E. J. HABERER II, in his official capacity as a Deputy Real
17 Estate Commissioner of the State of California, for cause of Accusation against JUAN
18 RAMIREZ LOZANO (hereinafter "Respondent"), is informed and alleges as follows:

19 1

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

23 2

24 On or about November 19, 1991, Respondent made application to the
25 Department for a real estate salesperson license. In response to Question 18 of Respondent's
26 real estate salesperson license application, to wit: "HAVE YOU USED ANY OTHER NAMES
27 (i.e. MAIDEN NAME, AKA'S, ETC.)", requiring Respondent to disclose all other names used

1 at anytime prior to the submission of the application, Respondent answered "NO" and did not
2 disclose the aka "Juan Lozano Ramirez".

3 3

4 On or about November 26, 2003, Respondent filed an application for renewal of
5 his real estate salesperson license. In response to Question 3 of Respondent's salesperson
6 renewal application, to wit: "WITHIN THE PAST FOUR YEAR PERIOD, HAVE YOU BEEN
7 CONVICTED OF ANY VIOLATION OF LAW?", requiring Respondent to disclose all
8 convictions other than minor traffic citations not constituting a misdemeanor or felony offense
9 suffered within the four (4) years prior to submission of the renewal application, Respondent
10 answered "NO" and concealed and failed to disclose that under the aka "Juan Lozano Ramirez"
11 Respondent suffered the conviction identified in Paragraph 8, below.

12 4

13 In reliance upon Respondent's responses contained in his renewal application;
14 Respondent's declaration under penalty of perjury that the information contained in the
15 salesperson license renewal application was true and correct; and, upon Respondent's failure to
16 disclose to the Department the use of the aka "Juan Lozano Ramirez" in connection with the
17 conviction identified in Paragraph 8 below, the Department renewed Respondent's real estate
18 salesperson license.

19 5

20 On or about September 13, 2007, Respondent made application to the
21 Department for a real estate broker license. In response to Question 20 of the application, to
22 wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?", requiring
23 Respondent to disclose all convictions other than minor traffic citations not constituting a
24 misdemeanor or felony offense, Respondent answered "NO" and concealed and failed to
25 disclose that under the aka "Juan Lozano Ramirez", Respondent suffered the conviction
26 identified in Paragraph 8, below.

27 ///


1
2 In addition, in response to Question 13 of his real estate broker application, to wit:
3 "HAVE YOU USED ANY OTHER NAMES (i.e. MAIDEN NAME, AKA'S, ETC)?",
4 Respondent answered "NO" and concealed and failed to disclose Respondent's use of the aka
5 "Juan Lozano Ramirez" in connection with the conviction identified in Paragraph 8, below.

6
7 On or about October 19, 2007, in reliance of the responses identified in
8 Paragraphs 2, 3, 5 and 6 herein; Respondent's declaration under penalty of perjury that the
9 information contained in the real estate broker application was true and correct; and upon
10 Respondent's failure to disclose to the Department Respondent's use of the aka "Juan Lozano
11 Ramirez" in connection with the conviction identified in Paragraph 8, below, the Department
12 issued Respondent a real estate broker license.

13
14 On or about January 20, 2009, the Department first learned that Respondent,
15 under the assumed name "Juan Lozano Ramirez", was the defendant in a criminal matter filed in
16 the Alameda County, California Superior Court. Using this information, the Department
17 discovered that on or about August 22, 2002, in the Alameda County Superior Court, State of
18 California, case number 195957, Respondent, using the assumed name "Juan Lozano Ramirez",
19 was convicted of violating Section 415 of the California Penal Code (Disturbing the Peace), a
20 misdemeanor.

21 Respondent's failure to disclose the use of the aka "Juan Lozano Ramirez"
22 thereby concealed or otherwise obstructed the Department's ability to perform a full
23 investigation into Respondent's qualifications for a real estate license and thus constitutes the
24 procurement of a real estate license by fraud, misrepresentation, deceit, or by making material
25 misstatements of fact in said applications, which is cause for the suspension or revocation of
26 Respondent's real estate brokers license under Sections 498, 10177(a) and/or 10177 (b) of the
27 Code.

1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Real Estate
4 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
5 relief as may be proper under the provisions of law.

6
7 
8 E. J. HABERER II
Deputy Real Estate Commissioner

9 Dated at Oakland, California,
10 this 28th day of May, 2009.