

FILED

MAY 17 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

VERONICA CHRISTINA AVELAR,

Respondent.

H-10772 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 26, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of the conviction of crimes.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On October 15, 2009, Tricia D. Sommers made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on October 19, 2009.

On April 26, 2010, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code") as a real estate salesperson.

3

On or about February 7, 2007, in the Superior Court of the State of California, County of Alameda, Case No. 117538, Respondent was convicted of violating Section 484 of the California Penal Code (Petty Theft), a misdemeanor and a crime 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.

4

On or about November 28, 2007, in the Superior Court of the State of California, County of San Mateo, Case No. NM36881, Respondent was convicted of violating Section 14601.2(a) of the California Vehicle Code (Driving With Suspended License Related to Conviction for Violation of Vehicle Code Sections 23152 and 23153 – Driving Under the Influence), a misdemeanor and a crime 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.

5

On or about February 23, 2009, in the Superior Court of the State of California, County of San Francisco, Case No. 2318527, Respondent was convicted of violating Section 14601.1(a) of the California Vehicle Code (Driving With Suspended License), a misdemeanor and a crime 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.

#### DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists with reference to the convictions set out in Paragraphs 3, 4 and 5 above, pursuant to Business and Professions Code Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee).

The standard of proof applied was clear and convincing proof to a reasonable certainty.

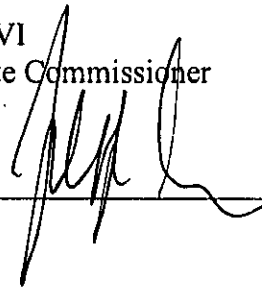
ORDER

All licenses and licensing rights of Respondent VERONICA CHRISTINA AVELAR under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JUN 14 2010.

DATED: 5-12-2010.

JEFF DAVI  
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line.

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

APR 26 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \*\*\*

11 In the Matter of the Accusation of )  
12 ) H-10772 SF  
13 VERONICA CHRISTINA AVELAR, )  
14 Respondent. ) DEFAULT ORDER

15 Respondent, VERONICA CHRISTINA AVELAR, having failed to file a Notice  
16 of Defense within the time required by Section 11506 of the Government Code, is now in  
17 default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED April 26, 2010.

19 JEFF DAVI  
20 Real Estate Commissioner

21 By:

22 Charles W. Koenig  
23 CHARLES W. KOENIG  
24 Northern Regional Manager  
25  
26  
27

1 JOHN W. BARRON, Counsel (SBN 171246)  
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6  
7  
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FILED

OCT 19 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 ) No. H-10772 SF  
13 VERONICA CHRISTINA AVELAR, )  
14 Respondent. ) ACCUSATION  
15 )

16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
17 of the State of California, for cause of Accusation against VERONICA CHRISTINA AVELAR,  
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

21 2

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

25 3

26 On or about February 7, 2007, in the Superior Court of California, County of  
27 Alameda, Case No. 117538, Respondent was convicted of violating Section 484 of the

1 California Penal Code (Petty Theft), a misdemeanor and a crime involving moral turpitude,  
2 which bears a substantial relationship under Section 2910, Title 10, California Code of  
3 Regulations, to the qualifications, functions or duties of a real estate licensee.

4 4

5 On or about November 28, 2007, in the Superior Court of California, County of  
6 San Mateo, Case No. NM36881, Respondent was convicted of violating Section 14601.2(a) of  
7 the California Vehicle Code (Driving with Suspended License Related to Conviction for  
8 Violation of Vehicle Code Section 23152 and 23153 – Driving Under the Influence), a  
9 misdemeanor and a crime involving moral turpitude, which bears a substantial relationship  
10 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions  
11 or duties of a real estate licensee.

12 5

13 On or about February 23, 2009, in the Superior Court of California, County of  
14 San Francisco, Case No. 2318527, Respondent was convicted of violating Section 14601.1(a)  
15 of the California Vehicle Code (Driving with Suspended License), a misdemeanor and a crime  
16 which bears a substantial relationship under Section 2910, Title 10, California Code of  
17 Regulations, to the qualifications, functions or duties of a real estate licensee.

18 MATTERS IN AGGRAVATION

19 6

20 On or about February 27, 2006, in the Superior Court of California, County of  
21 San Mateo, Case No. NM346172A, Respondent was convicted of violating Section 14601.1(a)  
22 of the California Vehicle Code (Driving with Suspended License), a misdemeanor.

23 7

24 On or about February 27, 2006, in the Superior Court of California, County of  
25 San Francisco, Case No. NM346561A, Respondent was convicted of violating Section 23152(b)  
26 of the California Vehicle Code (Driving Under the Influence with Blood Alcohol Level of  
27 0.08% or Higher), a misdemeanor.

The facts alleged in Paragraphs 3, 4 and 5, above, constitute a 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 Code, and for such other and further relief as may be proper under the provisions of law.

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,

this 15th day of October, 2009.