

**FILED**

**August 19, 2013**

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Bureau of Real Estate  
4 P.O. Box 137007  
5 Sacramento, CA 95813-7007

DEPARTMENT OF REAL ESTATE

6 Telephone: (916) 263-8672  
7 (916) 263-8676 (Direct)

By *S. Jan*

8 Fax: (916) 263-3767

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of )

No. H-11573 SF

13 LARRY DIAMANTE RAPIZ, )

STATEMENT OF ISSUES

14 Respondent. )

15 The Complainant, ROBIN S. TANNER, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues against LARRY DIAMANTE  
17 RAPIZ (Respondent), is informed and alleges as follows:

18 1

19 Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of the  
20 State of California, makes this Statement of Issues in her official capacity and not otherwise.

21 2

22 Respondent made application to the Bureau of Real Estate of the State of  
23 California for a real estate salesperson license on or about April 16, 2013.

24 3

25 On or about November 1, 2000, in the Superior Court of the State of California,  
26 County of San Francisco, Case No. 17970-02, Respondent was convicted of violating Section  
27 245(a) (1) of the California Penal Code (Assault With a Deadly Weapon/Likely to Cause Great

1 Bodily Injury), a felony and a crime that bears a substantial relationship under Section 2910,  
2 Title 10, Chapter 6 of the California Code of Regulations (the Regulations), to the qualifications,  
3 functions, or duties of a real estate licensee.

4 4

5 On or about July 2, 2002, in the Superior Court of the State of California, County  
6 of Alameda, Case No. 197490, Respondent was convicted of violating Section 23152 (b) of the  
7 California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a misdemeanor and  
8 a crime that bears a substantial relationship under Section 2910 of the Regulations to the  
9 qualifications, functions, or duties of a real estate licensee.

10 5

11 On or about January 9, 2003, in the Superior Court of the State of California,  
12 County of Alameda, Case No. 200249, Respondent was convicted of violating Section 11377 (a)  
13 of the California Health and Safety Code (Possession of a Controlled Substance), a misdemeanor  
14 and a crime that bears a substantial relationship under Section 2910 of the Regulations to the  
15 qualifications, functions, or duties of a real estate licensee.

16 6

17 On or about October 8, 2008, in the Superior Court of the State of California,  
18 County of Santa Clara, Case No. CC 815893, Respondent was convicted of violating Section  
19 23152 (b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug),  
20 and Section 14601.5(a) of the California Vehicle Code (Driving With a Suspended License), both  
21 misdemeanors and crimes that bear a substantial relationship under Section 2910 of the  
22 Regulations to the qualifications, functions, or duties of a real estate licensee.

23 7

24 On or about October 27, 2009, in the Superior Court of the State of California,  
25 County of Alameda, Case No. 1147609, Respondent was convicted of violating Section 23152  
26 (a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a  
27 misdemeanor, and Section 245(a) (1) of the California Penal Code (Assault With a Deadly

1 Weapon/Likely to Cause Great Bodily Injury), a felony, and crimes that bear a substantial  
2 relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a  
3 real estate licensee.

4 8

5 The crimes of which Respondent was convicted, as alleged above, constitute cause for  
6 denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of  
7 the California Business and Professions Code.

8 PRIOR PROCEEDING

9 9

10 Effective April 12, 2012, in Case No. H-11235 SF before the State of California  
11 Department of Real Estate, the application of Respondent for a real estate salesperson license  
12 was denied for violation of Sections 480(a) and 10177(b) of the Code.

13 WHEREFORE, the Complainant prays that the above-entitled matter be set for  
14 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
15 authorize the issuance of, and deny the issuance of, a real estate salesperson license to  
16 Respondent, and for such other and further relief as may be proper under other provisions of law.

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18 

19 ROBIN S. TANNER  
20 Deputy Real Estate Commissioner

21 Dated at Oakland, California,  
22 this 9<sup>th</sup> day of August, 2013.

23 DISCOVERY DEMAND

24 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau of Real  
25 Estate hereby makes demand for discovery pursuant to the guidelines set forth in the  
26 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate may  
27 result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
Office of Administrative Hearings deems appropriate.