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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JUAN GABRIEL FLORES GALINDO,

Respondent.

)

NO. H-12074 SF
)

STATEMENT OF ISSUES

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Supervising Special Investigator of the State of California, for this Statement of Issues against JUAN GABRIEL FLORES GALINDO ("Respondent"), is informed and alleges as follows:

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On or about May 10, 2016, Respondent made application to the Bureau of Real Estate of the State of California for a real estate salesperson license.

FAILURE TO DISCLOSE LICENSE DENIAL

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In response to Question 30 of said application to wit: "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY OTHER STATE," Respondent concealed and failed to disclose the prior denial of his application for a smog check inspector license and smog check repair technician license as described below in Paragraph 3.

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PRIOR LICENSE DENIAL

On or about March 4, 2014, Respondent made application to the Bureau of Automotive Repair ("BAR") for a smog check inspector license and a smog check repair technician license. On or about April 3, 2014, BAR denied the applications. Respondent appealed. On or about December 15, 2014, after a hearing before the Office of Administrative Hearings, case No. 2014080726, in which the Respondent was afforded all applicable due process rights and protections, the Administrative Law Judge issued a Proposed Decision denying Respondent's applications. Effective March 12, 2015, the Assistant General Counsel of the Department of Consumer Affairs adopted the Proposed Decision of the Administrative Law Judge.

CRIMINAL CONVICTION

On or about March 16, 2012, in the Superior Court of the State of California, County of Solano, case No. SC 181315A, Respondent was convicted of violating Section 4463 (a) of the California Vehicle Code (forgery of a registration), a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title10, of the California Code of Regulations.

DISCIPLINE BY OTHER LICENSING AGENCY

On or about December 19, 2011, after a hearing before the Office of Administrative Hearings, case No. 2011090015, in which the Respondent was afforded all applicable due process rights and protections, the Administrative Law Judge issued a proposed decision revoking Respondent's Smog Check Test Only Station License number TC 236016, Smog Check Test Only Station License number TC 263320, and Advanced Emission Specialist Technician License number E151481. Effective February 12, 2012, the Deputy Director of Legal

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Affairs for the Department of Consumer Affairs, adopted the Proposed Decision of the Administrative Law Judge.

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The outright revocation of Respondent's Smog Check Test Only Station licenses was based on: 1) Health and Safety Code section 44072.2 (a) (failure to comply with additional sections of Health and Safety Code); 2) Health and Safety Code section 44072.2 (c) (failure to comply with provision of California Code of Regulations, Title 16); and 3) Health and Safety Code section 44072.2 (d) (dishonesty, fraud, and deceit in connection with issuance of certificates).

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The outright revocation of Respondent's Advanced Emission Specialist Technician license was based on: 1) Health and Safety Code section 44072.2 (a) (failure to comply with Health and Safety Code section 44012); 2) Health and Safety Code section 44072.2 (c) (failure to comply with provision of California Code of Regulations, Title 16); and 3) Health and Safety Code section 44072.2(d) (dishonest, fraudulent, or deceitful acts injuring another).

GROUNDS FOR DENIAL

Respondent's failure to disclose prior license denials described above in Paragraphs 2 and 3, constitutes the procurement or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application. Respondent's failure to disclose prior license denials constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Business and Professions Code ("Code") sections 480(d) (false statement of fact required to be revealed in application) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation, or deceit).

Respondent's criminal conviction described above in Paragraph 4, constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Code sections 480(a)(1) (conviction of crime), 480(a)(2) (act involving dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing).

Respondent's prior license revocations described above in Paragraphs 5, 6, and 7, constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Code sections 480(a)(2) (act involving dishonesty, fraud, or deceit), 10177(f) (license issued by another agency of this state revoked for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a real estate license), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing).

WHEREFORE, the Complainant prays that the 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/broker license to Respondent, and for such other and further relief as may be proper under applicable provisions of law.

ROBIN S. TANNER

Supervising Special Investigator

Dated at Oakland, California,

DISCOVERY DEMAND

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