

FILED  
MAY 10 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
FRANCISCO HUMBERTO RODRIGUEZ, ) No. H-25920 LA  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 8, 1995, an Order was rendered herein revoking the real estate salesperson license of Respondent, 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 June 12, 1995, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On March 4, 1999, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate  
6 salesperson license and that it would not be against the public  
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 salesperson license be issued to Respondent if Respondent  
11 satisfies the following conditions within nine months from the  
12 date of this Order:

13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 3. Submittal of evidence of compliance with the proof  
21 of legal presence requirements contained in Section 2718, Title  
22 10, California Code of Regulations.

23 This Order shall be effective immediately.

24 DATED: April 11, 2000.

25 PAULA REDDISH ZINNEMANN  
26 Real Estate Commissioner  
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**FILED**  
MAY 10 1995  
DEPARTMENT OF REAL ESTATE

By Raquel P. Para

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-25920 LA
FRANCISCO HUMBERTO RODRIGUEZ, )	L-10156
Respondent. )	

STIPULATION AND AGREEMENT AFTER HEARING

I, FRANCISCO HUMBERTO RODRIGUEZ, Respondent herein, do hereby affirm that I have been licensed by the Department of Real Estate as a real estate salesperson licensee and have been since approximately December 29, 1993.

I acknowledge that I have received and read the Accusation filed by the Department of Real Estate on September 16, 1994, and the Statement to Respondent sent to me in connection with the Accusation.

I hereby admit that all the allegations of the Accusation filed against me are true and correct.

1 I further acknowledge that the Real Estate  
2 Commissioner held a hearing on this Accusation on January 26,  
3 1995, before the Office of Administrative Hearings, for the  
4 purpose of proving the allegations therein. I was not present  
5 at the hearing. Further, I have had an opportunity to read and  
6 review the Proposed Decision of the Administrative Law Judge.

7 I understand that pursuant to Government Code Section  
8 11517(c), the Real Estate Commissioner has rejected the Proposed  
9 Decision of the Administrative Law Judge. I further understand  
10 that pursuant to the same Section 11517(c), the Real Estate  
11 Commissioner may decide this case upon the record, including the  
12 transcript, without taking additional evidence, after affording  
13 me the opportunity to present written argument to the Real  
14 Estate Commissioner.

15 I further understand that by signing this Stipulation  
16 and Agreement in Settlement and Order, I am waiving my right to  
17 obtain a dismissal of the Accusation through proceedings under  
18 Government Code Section 11517(c), if this Stipulation and  
19 Agreement is accepted by the Real Estate Commissioner. However,  
20 I also understand that I am not waiving my rights to further  
21 proceedings to obtain a dismissal of the Accusation if this  
22 Stipulation and Agreement in Settlement and Order is not  
23 accepted by the Real Estate Commissioner.

24 I hereby request that the Real Estate Commissioner, in  
25 his discretion, revoke my real estate salesperson license and  
26 issue to me a restricted real estate salesperson license under  
27 the authority of Section 10156.5 of the Business and Professions  
Code if I make application therefor and pay to the Department of

1 Real Estate the appropriate fee for said license within ninety  
2 days.

3 I further understand that the following conditions,  
4 limitations and restrictions will attach to a restricted license  
5 issued by the Department of Real Estate pursuant hereto:

6 1. The license shall not confer any property right in  
7 the privileges to be exercised thereunder and the Real Estate  
8 Commissioner may by appropriate order suspend prior to hearing  
9 the right of Respondent to exercise any privileges granted under  
10 this restricted license in the event of:

11 a. The conviction of Respondent (including a  
12 plea of nolo contendere) of a crime which  
13 bears a substantial relationship to Respondent's  
14 fitness or capacity as a real estate licensee; or

15 b. The receipt of evidence that Respondent has  
16 violated provisions of the California Real Estate  
17 Law, the Subdivided Lands Law, Regulations of the  
18 Real Estate Commissioner, or conditions  
19 attaching to this restricted license.

20 2. Respondent shall not be eligible to apply for the  
21 issuance of an unrestricted real estate license nor the removal  
22 of any of the conditions, limitations or restrictions attaching  
23 to the restricted license until at least one (1) year has  
24 elapsed from the date of issuance of the restricted license to  
25 Respondent.

26 3. With Respondent's application for license, or with  
27 application for transfer to a new employing broker, Respondent  
shall submit a statement signed by the prospective employing

1 broker on a form approved by the Department of Real Estate  
2 wherein the employing broker shall certify as follows:


3 a. That the broker has read the Accusation which is  
4 the basis for the issuance of the restricted  
5 license.

6 b. That the broker will carefully review all  
7 transaction documents prepared by the restricted  
8 licensee and otherwise exercise close supervision  
9 over the licensee's performance of acts for which  
10 a license is required.

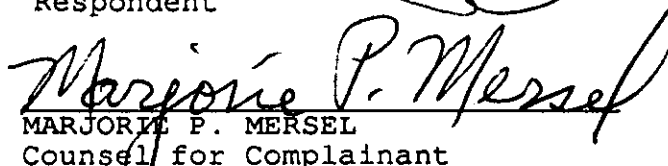
11 4. Respondent's restricted real estate salesperson license is  
12 issued subject to the requirements of Section 10153.4 of the  
13 Business and Professions Code, to wit: Respondent shall, within  
14 eighteen months of the issuance of his original license on  
15 December 29, 1993, submit evidence satisfactory to the  
16 Commissioner of successful completion, at an accredited  
17 institution, of two of the courses listed in Section 10153.2,  
18 other than real estate finance or advanced real estate  
19 appraisal. If Respondent fails to present to the Department  
20 satisfactory evidence of successful completion of the two  
21 required courses, before June 29, 1995, the restricted license  
22 shall be automatically suspended. Said suspension shall not be  
23 lifted unless, prior to the expiration of the restricted  
24 license, Respondent has submitted the required evidence of  
25 course completion and the Commissioner has given written notice  
26 to Respondent of lifting of the suspension. Pursuant to  
27 Section 10154, if Respondent has not satisfied the requirements  
for a qualified license under Section 10153.4, Respondent shall

1 not be entitled to renew the restricted license, and shall not  
2 be entitled to the issuance of another license which is subject  
3 to Section 10153.4 until four years after the date of the  
4 issuance of the preceeding restricted license.

5  
6 Dated: 4/25/95

  
FRANCISCO HUMBERTO RODRIGUEZ  
Respondent

7  
8  
9 Dated: April 27, 1995

  
MARJORIE P. MERSEL  
Counsel for Complainant

10  
11 I have read the Accusation filed herein, the Proposed  
12 Decision of the Administrative Law Judge dated February 3, 1995,  
13 and the foregoing Stipulation and Agreement signed by  
14 Respondent. I am satisfied that it will not be inimical to the  
15 public interest to issue a restricted real estate salesperson  
16 license to Respondent.

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1 Therefore, IT IS HEREBY ORDERED that the real estate  
2 salesperson license of Respondent be ~~revoked~~ and a restricted  
3 real estate salesperson license be issued to Respondent,  
4 if Respondent has otherwise fulfilled all of the statutory  
5 requirements for licenser. The restricted license shall be  
6 limited, and restricted as specified in the foregoing  
7 Stipulation and Agreement in Settlement and Order.

8 This Decision shall become effective at 12 o'clock  
9 noon on May 30, 1995.

10 IT IS SO ORDERED May 8, 1995.

11 JOHN R. LIBERATOR  
12 Interim Commissioner

13 John R. Liberator  
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**FILED**

MAR 28 1995

DEPARTMENT OF REAL ESTATE

By Raquel B. Rara

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
FRANCISCO HUMBERTO RODRIGUEZ, )	NO. H-25920 LA
Respondent. )	L-9410156

NOTICE

TO: FRANCISCO HUMBERTO RODRIGUEZ, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated February 3, 1995, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated February 3, 1995, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on January 26, 1995, and any written argument hereafter submitted on behalf of respondent and complainant.

1 Written argument of respondent to be considered by me  
2 must be submitted within 15 days after receipt of the transcript  
3 of the proceedings of January 26, 1995, at the Los Angeles office  
4 of the Department of Real Estate unless an extension of the time  
5 is granted for good cause shown.

6 Written argument of complainant to be considered by me  
7 must be submitted within 15 days after receipt of the argument of  
8 respondent at the Los Angeles office of the Department of Real  
9 Estate unless an extension of the time is granted for good cause  
10 shown.

11 DATED: March 23, 1995

12 JOHN R. LIBERATOR  
13 Interim Commissioner

14 John R. Liberator  
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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
of: )  
 ) No. H-25920 LA  
 )  
FRANCISCO HUMBERTO RODRIGUEZ, ) L-9410156  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

PROPOSED DECISION

This matter came on regularly for hearing before Robert A. Neher, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on January 26, 1995, at the hour of 9:00 a.m. Marjorie P. Mersel, Counsel, represented the complainant. Respondent failed to appear at the time and place set for hearing, though notice thereof was served on him as required by law. Documentary evidence was introduced and the matter submitted. The Administrative Law Judge finds the following facts:

I

Steven J. Ellis made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

At all times herein mentioned and since December 29, 1993, respondent Francisco Humberto Rodriguez was and now is licensed by the Department of Real Estate of the State of California as a real estate salesperson, with a conditional real estate salesperson's license originally issued pursuant to Business and Professions Code Section 10153.4.

III

It was not established by clear and convincing evidence that on or about July 25, 1990, in the Municipal Court of Long Beach Judicial District, County of Los Angeles, respondent pled guilty to and was convicted of violating Penal Code Section 484(a) (Petty Theft). The documentary evidence introduced to support the allegation that responded suffered such conviction

shows that a petty theft conviction was recorded in Case No. 90M04492 in Long Beach Municipal Court, for a defendant named Francisco Roberto Rodriguez.

No evidence was introduced which proved, or even tended to suggest, that respondent Francisco Humberto Rodriguez was the same person as Francisco Roberto Rodriguez who suffered the above conviction. In Southern, California, the name Francisco Rodriguez is not so rare as to create any presumption of identity.

IV

By reason of the above, it was not established that when respondent, in response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of Law?", Respondent answered "No", that he made a material misstatement of fact, or attempted to gain licensure by fraud, misrepresentation or deceit.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause does not exist to suspend or revoke respondent's real estate salesperson's license pursuant to the provisions of the Business and Professions Code or Title 10, California Code of Regulations.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The accusation is dismissed.

DATED: 3 Feb 95

ROBERT A. NEHER  
Administrative Law Judge  
Office of Administrative Hearings

RAN:btm


*not adopted*

SACTO  
FLAY

**FILED**  
OCT 31 1994  
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

\* \* \* \*

By 

In the Matter of the Accusation of )  
 )  
FRANCISCO HUMBERTO RODRIGUEZ, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. H-25920 LA  
OAH No. L-10156

**NOTICE OF HEARING ON ACCUSATION**

**To the above-named Respondent:**

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, California, on **January 26, 1995**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

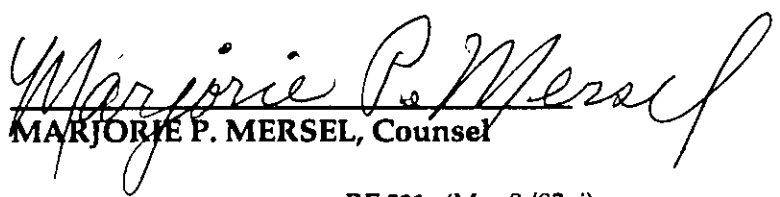
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: October 31, 1994.

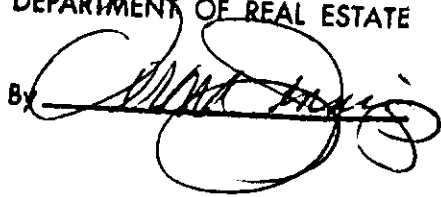
**DEPARTMENT OF REAL ESTATE**

cc: Francisco H. Rodriguez  
Sacto.  
OAH

  
**MARJORIE P. MERSEL, Counsel**

SACCO  
Flug

1 MARJORIE P. MERSEL, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012  
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10 (213) 897-3937

**FILED**  
SEP 16 1994  
DEPARTMENT OF REAL ESTATE  
By 

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of ) No. H-25920 LA  
12 FRANCISCO HUMBERTO RODRIGUEZ, ) ACCUSATION  
13 Respondent. )  
14

15 The Complainant, Steven J. Ellis, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against FRANCISCO HUMBERTO RODRIGUEZ, aka Francisco Roberto  
18 Rodriguez (hereinafter "Respondent"), is informed and alleges as  
19 follows:

20 I

21 The Complainant, Steven J. Ellis, a Deputy Real  
22 Estate Commissioner of the State of California, makes this  
23 Accusation in his official capacity.

24 II

25 Respondent is presently licensed and/or has license  
26 rights under the Real Estate Law, Part 1 of Division 4 of the  
27 California Business and Professions Code (hereinafter the Code).

1 At all times herein mentioned, Respondent was licensed by the  
2 Department of Real Estate of the State of California as a real  
3 estate salesperson subject to Section 10153.4 of the Business and  
4 Professions Code.

5 III

6 On or about December 13, 1993, Respondent made  
7 application to the Department of Real Estate of the State of  
8 California for a real estate salesperson license (herein "said  
9 application"). In response to Question 25 of said application, to  
10 wit: "Have you ever been convicted of any violation of Law?",  
11 Respondent answered "No". Respondent was issued a real estate  
12 salesperson license on or about December 29, 1993.

13 IV

14 On or about July 25, 1990, in the Municipal Court of  
15 Long Beach Judicial District, County of Los Angeles, Respondent  
16 pled guilty to and was convicted of violating Penal Code Section  
17 484(a) (Petty Theft), a crime involving moral turpitude which bears  
18 a substantial relationship under Section 2910, Title 10,  
19 California Code of Regulations, to the qualifications, functions  
20 or duties of a real estate licensee.

21 V

22 Respondent's failure to reveal the conviction described  
23 in Paragraph IV, above, in said application constitutes the  
24 procurement of a real estate license by fraud, misrepresentation  
25 or deceit, or by making a material misstatement of fact in said  
26 application, which failure is cause for suspension or revocation  
27 of the real estate license and license rights of Respondent under

1 Code Section 10177(a).

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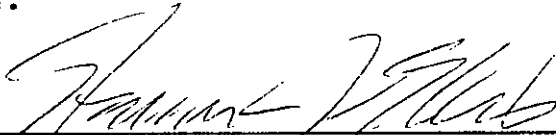
3           WHEREFORE, Complainant prays that a hearing be conducted  
4 on the allegations of this Accusation and that upon proof thereof,  
5 a decision be rendered imposing disciplinary action against the  
6 license and license rights of Respondent FRANCISCO HUMBERTO  
7 RODRIGUEZ, aka Francisco Roberto Rodriguez, under the Real Estate  
8 Law (Part 1 of Division 4 of the Business and Professions Code)  
9 and for such other and further relief as may be proper under other  
10 applicable provisions of law.

11 Dated at Los Angeles, California

12 this 16th day of September, 1994.

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14

  
\_\_\_\_\_  
Steven J. Ellis  
Deputy Real Estate Commissioner

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cc: Francisco Humberto Rodriguez  
Sacto.  
CGT

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