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FILED
DEC 17 2003
DEPARTMENT OF REAL ESTATE

By *Laura B. Oliver*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26905 LA
)
FRANCISCO JAVIER RAMOS,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On February 25, 1997, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On or about August 16, 2002, Respondent petitioned
for reinstatement of his real estate salesperson license
and the Attorney General of the State of California has been
given notice of the filing of the petition.

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1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate salesperson license,
6 in that:
7

8 I

9 In the Decision which revoked Respondent's real
10 estate license, there were Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Business and Professions Code ("Code") Sections
13 10177(d) and 10177(g) for violation of Code Section 10130.
14

15 The underlying facts were as follows:

16 Respondent was licensed by the Department of Real
17 Estate ("Department") as a real estate salesperson on May 20,
18 1992. Respondent's license was suspended by the Department
19 effective November 21, 1993 and not reinstated until May 24,
20 1995. Respondent's license was reinstated without an employing
21 broker.
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1 On or about January 2, 1995, for or in expectation
2 of compensation, Respondent negotiated the sale of real
3 property located at 5639 Norwalk Boulevard, Whittier,
4 California, to buyers Ricardo Mendoza, Andrea Mendoza,
5 Severino Garza and Adelina Miramontes, as their agent.
6 Said acts were acts for which a real estate broker license
7 is required pursuant to Code Section 10131(a).

8 II

9 Respondent's petition for reinstatement of his
10 license is governed by the Criteria of Rehabilitation set forth
11 in the California Administrative Code, Section 2911, Title 10,
12 Chapter 6, California Code of Regulations ("Regulations").
13 Section 2911 provides as follows: "The following criteria have
14 been developed by the department pursuant to Section 482(a) of
15 the Business and Professions Code for the purpose of evaluating
16 the rehabilitation of an applicant for issuance or for
17 reinstatement of a license in considering whether or not to
18 deny the issuance or reinstatement on account of a crime or act
19 committed by the applicant."
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1 The Criteria of Rehabilitation as applied to
2 Respondent is as follows: Regulation 2911 (a) It has been more
3 than two years since the act; (b) restitution was not required;
4 (c) expungement of conviction is not applicable; (d)
5 registration pursuant to Penal Code Section 290 is not
6 applicable; (e) discharge from probation is not applicable;
7 (f) abstinence from use of controlled substances or alcohol
8 is not applicable; (g) payment of fine is not applicable;
9 (h) family life appears to be stable; (i) formal educational
10 and vocational training courses have been completed; (k) there
11 has been correction of business practices; (m) there are new
12 and different social and business relationships; (n) a change
13 in attitude has been shown.

16 III

17 Respondent has not provided proof that a state tax
18 lien in the amount of \$724 has been paid, or that a civil
19 judgment in the amount of \$1,576 has been paid.

20 This evidences a lack of rehabilitation and is cause
21 to deny Respondent's petition pursuant to Regulation 2911(j).

23 IV

24 Respondent has not provided proof of involvement in
25 community, church or social programs.

26 This evidences a lack of rehabilitation and is cause
27 to deny Respondent's petition pursuant to Regulation 2911(l).

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's real estate
3 salesperson license is denied.

4 I am satisfied, however, that it will not be against
5 the public interest to issue a restricted real estate
6 salesperson license to Respondent.

7 A restricted real estate salesperson license shall
8 be issued to Respondent pursuant to Code Section 10156.5 if
9 Respondent:

10 (a) Makes application therefor and pays the
11 appropriate fee for said license within one (1) year from
12 the date hereof;

13 (b) Submits evidence satisfactory to the Real Estate
14 Commissioner that Respondent has, since his license was
15 revoked, taken and passed the written examination required to
16 obtain a real estate salesperson license.

17 (c) Submits evidence satisfactory to the Real Estate
18 Commissioner that Respondent has, since Respondent's license
19 was revoked, taken and successfully completed the continuing
20 education requirements of Article 2.5 of Chapter 3 of the Real
21 Estate Law for renewal of a real estate license.

22 ///

23 ///

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Code Section 10156.7 and to
3 the following limitations, conditions and restrictions imposed
4 under authority of Code Section 10156.6:

5
6 1. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or plea
9 of nolo contendere to a crime which is substantially related
10 to Respondent's fitness or capacity as a real estate licensee.

11
12 2. The restricted license issued to Respondent
13 may be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real
16 Estate Law, the Subdivided Lands Law, Regulations of the Real
17 Estate Commissioner or conditions attaching to the restricted
18 license.

19
20 3. Respondent shall not be eligible to apply for
21 the issuance of an unrestricted real estate license nor for
22 the removal of any of the conditions, limitations or
23 restrictions of a restricted license until two (2) years
24 have elapsed from the date of issuance of the restricted
25 license.

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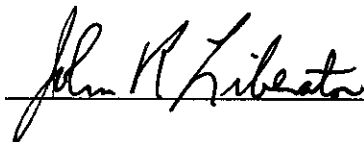
1 4. Respondent shall submit with any application for
2 license under an employing broker, or with any application for
3 transfer to a new employing broker, a statement signed by the
4 prospective employing real estate broker on a form approved by
5 the Department which shall certify:

6 (a) That the employing broker has read the Decision
7 of the Commissioner which granted the right to a restricted
8 license; and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the restricted licensee
11 relating to activities for which a real estate license is
12 required.
13

14 This Order shall become effective at 12 o'clock noon
15 on January 6, 2004.

16 DATED: December 12, 2003.

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23 BY: John R. Liberator
24 Chief Deputy Commissioner

25
26 cc: Francisco Javier Ramos
27 7207 Stewart & Gray, # 34
 Downey, CA 90241

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

FILED
FEB 28 1997
DEPARTMENT OF REAL ESTATE

By *R. Knecht*

In the Matter of the Accusation of)
)
FRANCISCO JAVIER RAMOS,)
)
Respondent.)

No. H-26905 LA

DECISION AFTER DEFAULT

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 February 5, 1997, and the findings of facts set forth herein are based on one or more of the following: (1) respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On November 19, 1996, Thomas McCrady made the Accusation in his 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, to Respondent's last known residence address on file with the Department on November 19, 1996.

On February 5, 1997, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

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

III

At all times herein mentioned, Respondent was acting for or in expectation of compensation, and performing acts for which a real estate license is required. Respondent was licensed by the Department of Real Estate as a real estate salesperson effective May 20, 1992. Said license was suspended by the Department

effective November 21, 1993, and not reinstated until May 24, 1995, with no employing broker.

IV

On or about January 2, 1995, for or in expectation of compensation, respondent negotiated the sale of real property located at 5639 Norwalk Blvd, Whittier, California, to buyers Ricardo Mendoza, Andrea Mendoza, Severino Garza, and Adelina Miramontes, as the agent of others.

V

The activities described above are acts for which a real estate broker or salesperson license is required under Section 10131(a) of the Code.

DETERMINATION OF ISSUES

I

Respondent violated Section 10130 of the Code by engaging in the above described conduct without first obtaining a real estate license from the Department of Real Estate thereby subjecting his real estate license to suspension or revocation pursuant to Sections 10177(d) and 10177(g) of the Code.

II

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

ORDER

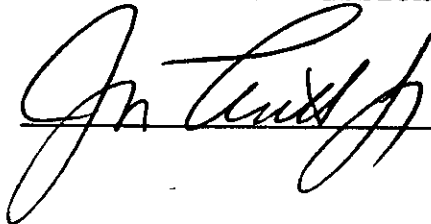
The licenses and license rights of Respondent FRANCISCO JAVIER RAMOS under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on March 20, 1997

DATED: _____

2/25/97

JIM ANTT, JR.
Real Estate Commissioner



FILED
FEB - 5 1997
DEPARTMENT OF REAL ESTATE

By K. W. Lederholdt

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26905 LA
FRANCISCO JAVIER RAMOS,)	<u>DEFAULT ORDER</u>
Respondent.)	

Respondent, FRANCISCO JAVIER RAMOS, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED 5 Feb. 1997

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph B. Bendia
RANDOLPH BENDIA
Regional Manager

*With
File*

JAMES R. PEFL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
NOV 19 1996

DEPARTMENT OF REAL ESTATE

By K. Kulekova

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26905 LA
FRANCISCO JAVIER RAMOS,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against FRANCISCO JAVIER RAMOS, alleges as follows:

I

The Complainant, Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against FRANCISCO JAVIER RAMOS.

II

FRANCISCO JAVIER RAMOS (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).



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III

At all times herein mentioned, respondent was acting for or in expectation of compensation, and performing acts for which a real estate license is required. Respondent was licensed by the Department of Real Estate as a real estate salesperson effective May 20, 1992. Said license was suspended by the Department effective November 21, 1993, and not reinstated until May 24, 1995, with no employing broker.

IV

On or about January 2, 1995, respondent negotiated the sale of real property located at 5639 Norwalk Blvd, Whittier, California, to buyers Ricardo Mendoza, Andrea Mendoza, Severino Garza, and Adelina Miramontes.

V

The activities described above are acts for which a real estate broker or salesperson license is required under Section 10131(a) of the Code.

VI

Respondent violated Section 10130 of the Code by engaging in the above described conduct without first obtaining a real estate license from the Department of Real Estate thereby subjecting his real estate license to suspension or revocation pursuant to Sections 10177(d) and 10177(g) of the Code.

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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 FRANCISCO J. RAMOS, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law. Dated at Los Angeles, California this 19th day of November, 1996.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Francisco J. Ramos
Sacto
RW