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FILED  
JAN 15 2008  
DEPARTMENT OF REAL ESTATE  
*K. M. Maderholt*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-26979 LA  
)  
JULIO CEASAR BAEZ, )  
)  
Respondent. )

ORDER DENYING REINSTATEMENT OF LICENSE

On July 17, 1997, a Decision was rendered herein, revoking Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent did not apply for a restricted license.

On August 30, 2005, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

///

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

8 I

9 In the Decision which revoked Respondent's real  
10 estate salesperson license, there were determination of issues  
11 made that there was cause to revoke Respondent's license  
12 pursuant to Business and Professions Code ("Code") Sections  
13 490 and 10177(b).  
14

15 On or about November 26, 1995, Respondent was  
16 convicted of violating Health and Safety Code Section 11351  
17 (possession for sale of controlled substance), a felony.  
18 The underlying circumstances were that 8.7 grams of cocaine,  
19 in possession of Respondent, was recovered by police officers  
20 at Respondent's leased premises on December 7, 1993. Said  
21 crime involves moral turpitude and bears a substantial  
22 relationship under Section 2910, Title 10, Chapter 6,  
23 California Code of Regulations ("Regulations") to the  
24 qualifications, functions, or duties of a real estate licensee.  
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II

On or about April 24, 2000, Respondent was convicted of violating Health and Safety Code Section 11350 (possession of narcotic substance), a felony.

III

On or about June 4, 2007, Respondent was convicted of violating 18 United States Code (U.S.C.) Sections 371, 1010 (conspiracy to make false statements to HUD) and 18 U.S.C. 1010, 2 (false statements to HUD, causing an act to be done). Said crimes involve moral turpitude and bear a substantial relationship under Regulation 2910. Respondent sentence included, five (5) years probation, restitution of \$508,148.23, a \$ 200 fee and eight (8) months electronic monitoring.

IV

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

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1           The Department has developed criteria in Section 2911  
2 of Title 10, Chapter 6, California Code of Regulations  
3 (Regulations) to assist in evaluating the rehabilitation of an  
4 applicant for reinstatement of a license. Among the criteria  
5 relevant in this proceeding are:

6           Regulation 2911(a): Due to Respondent's history of  
7 acts and conduct that is substantially related to the  
8 qualifications, functions and duties of a licensee, a longer  
9 period of time is required to assess Respondent's  
10 rehabilitation.

11           Regulation 2911(b): Respondent has not provided proof  
12 that Respondent had paid the restitution ordered by the Court.

13           Regulation 2911(c): Respondent has not provided proof  
14 that Respondent's convictions have been expunged.

15           Regulation 2911(e): Respondent has not provided proof  
16 that Respondent has completed probation for Respondent's most  
17 recent conviction.

18           Regulation 2911(i): Respondent has not provided proof  
19 of completion of, or sustained enrollment in formal educational  
20 or vocational training courses for economic self-improvement.

21           Regulation 2911(k): Respondent has not shown that  
22 Respondent has corrected business practices resulting in injury  
23 to others or with the potential to cause such injury.

24           Regulation 2911(l): Respondent has not provided proof  
25 of significant or conscientious involvement in community, church  
26 or social programs.

27           ///

1 Regulation 2911(n)(1): Respondent has not shown a  
2 change in attitude from that which existed at the time of the  
3 conduct in question.

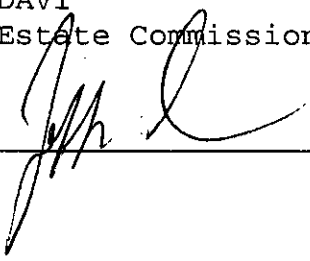
4 Given the fact that Respondent has not established  
5 that Respondent has met the criteria of Regulation 2911(a),  
6 2911(b), 2911(c), 2911(e), 2911(i), 2911(k), 2911(l),  
7 2911(n)(1), I am not satisfied that Respondent is sufficiently  
8 rehabilitated to receive a real estate salesperson license.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for reinstatement of Respondent's real estate  
11 salesperson license is denied.

12  
13 This Order shall become effective at 12 o'clock noon  
14 on FEB - 4 2008

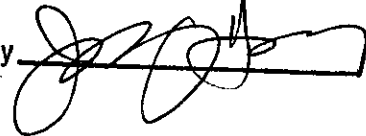
15 DATED: 1-2-08

16 JEFF DAVI  
17 Real Estate Commissioner

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**FILED**  
APR 8 2004  
DEPARTMENT OF REAL ESTATE  
By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-26979 LA  
)  
JULIO CEASAR BAEZ, )  
)  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 17, 1997, a Decision was rendered herein, revoking Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent did not apply for a restricted license.

On May 27, 2003, Respondent petitioned for reinstatement of her real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

1 requirements of law for the issuance to Respondent of an  
2 unrestricted real estate salesperson license and that it would  
3 not be against the public interest to issue said license to  
4 Respondent JULIO CEASAR BAEZ.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's  
6 petition for reinstatement is granted and that a real estate  
7 salesperson license be issued to Respondent, JULIO CEASAR BAEZ,  
8 if Respondent satisfies the following conditions within twelve  
9 (12) months from the date of this Order:

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

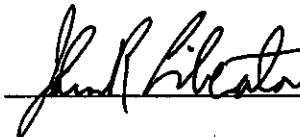
12 2. Submittal of evidence of having, since the most  
13 recent issuance of an original or renewal real estate license,  
14 taken and successfully completed the continuing education  
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
16 for renewal of a real estate license.

17 3. Submittal of evidence satisfactory to the Real  
18 Estate Commissioner that Respondent has, since Respondent's  
19 license was revoked, taken and passed the written examination  
20 required to obtain a real estate salesperson license.

21 This Order shall be effective

22 Dated: April 2, 2004.

23 JOHN R. LIBERATOR  
24 Acting Real Estate Commissioner

25   
26 \_\_\_\_\_

27 cc: Juilo C. Baez  
729 Espelette Place  
Montebello, CA 90640

**FILED**  
AUG - 1 1997  
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By K. M. DeRohs

\* \* \* \* \*

In the Matter of the Accusation of )  
 )  
 )  
 JULIO CEASAR BAEZ, )  
 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

No. H-26979 LA  
L-9704011

DECISION

The Proposed Decision dated June 27, 1997, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on August 21, 1997.

IT IS SO ORDERED 7/17/97

JIM ANTT, JR.  
Real Estate Commissioner

Jr Antt Jr



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation  
of:

JULIO CEASAR BAEZ,

Respondent.

) Case No. H-26979 LA

) OAH No. L-9704011

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on June 10, 1997.

Marjorie Mersel, Staff Counsel, represented the complainant.

Respondent appeared in person and represented himself.

Oral and documentary evidence and evidence by way of stipulation and official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, determines, and orders as follows:

PARTIES AND JURISDICTION

1

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California filed the Accusation against respondent in his official capacity.

2

Respondent herein, Julio Ceasar Baez, 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 the Code). At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

1

3

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson subject to section 10153.4(c) of the Business and Professions Code.

4

All pre-hearing jurisdictional requirements have been met. Jurisdiction for this proceeding does exist.

FINDINGS OF FACT

RE:  
ACCUSATION

5

(A) On or about November 26, 1995, in the Superior Court, County of Los Angeles, Central District, California, respondent was convicted of the crime of violating Health and Safety code section 11351 (Possession for Sale of Controlled Substance), a felony and a crime involving moral turpitude which is substantially related to the function, duties and qualifications of a real estate salesperson.

(B) Certain of the circumstances of the crime were as follows: 8.7 grams of cocaine, in possession of respondent, was recovered by police officers at respondent's leased premises on December 7, 1993.

FINDINGS OF FACT

RE:  
PUBLIC INTEREST  
(REHABILITATION)

6

Approximately 4 years have passed since the conduct resulting in the conviction. Since that time respondent has not engaged in like conduct. Respondent has engaged in the following rehabilitative conduct and activities set forth hereinafter:

(A) Respondent is in full compliance with all conditions of probation and will be released from same on January 25, 1998.

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2

(B) Respondent has abstained from the use of controlled substances and alcohol for a sustained period of at least 12 months. He is now sober and drug free and has been so since the completion of a substance rehabilitation program at Redgate Memorial Hospital.

(C) As the result of said conviction respondent was ordered to complete 14 days of incarceration and to pay monetary penalties and restitution in the amount of \$250.00. He has done so.

(D) Respondent is gainfully employed under his license and, reasonable inferences from the whole of the record establish that he has acted under his license in a direct, honest and trustworthy manner. Respondent has achieved stability of family life and fulfillment of parental and familial responsibilities. In particular he provides full support to his two children and partial support to his parents.

(E) Respondent has new and different social and business relationships from those which existed at the time of the conduct set forth in Finding 5.

(F) Respondent has established a change in attitude from that which existed at the time of the conduct set forth in Finding 5. That change was established by the credible testimony of respondent and the credible testimony of his probation officer.

7

The crime - of gravity - is recent. However, in the interim from the crime to the present respondent has established a strong start toward full rehabilitation. The rehabilitation set forth in Finding 6 is sufficient to allow respondent to function under a restricted license in that said rehabilitation does establish respondent to be, presently, trustworthy.

#### DETERMINATION OF ISSUES

1

Cause exist for discipline of respondent's license pursuant to Business and Professions Code sections 490 and 10177(b); however issuance of a restricted license would not be against the public interest by reason of Determination II.

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The objective of an administrative proceeding relating to licensing, if any, is to protect the public. Such proceedings are not for the primary purpose of punishment: Fahmy v. MBC (1995) 38 Cal. App. 4th 810, 817; Ex Parte Brounell (1778) 2 Cowp. 829, 98 Eng. Rep. 1385. In light of the foregoing and by reason of Findings 6 and 7 the public interest will be protected by the issuance of a restricted license.

**ORDER**

I

The real estate salesperson license and license rights of respondent under the Real Estate Law (Part 1 of Division 4 of the Code) are hereby revoked.

However, respondent shall be entitled to apply for and be issued a restricted real estate salesperson license if she makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days of the effective date of the Decision herein.

The restricted real estate salesperson license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Code and the following limitations, conditions and restrictions imposed under authority of section 10156.6 of the Code:

(A) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction (including conviction of a plea of nolo contendere) to a crime which bears a significant relationship to respondent's fitness or capacity as a real estate licensee.

(B) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has, after the effective date of the Order herein, violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to said restricted license.

(C) Respondent shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

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(D) Respondent shall not be eligible for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of the restricted license until at least two years has elapsed from the effective date of the Decision.

(E) Respondent shall within six (6) months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

(F) Respondent shall, within twelve months from the effective date of the issuance of the restricted license, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of section 10170.5 for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

(G) With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

- (1) That the broker has read the Decision and Order of the Commissioner which granted the right to a restricted license; and
- (2) That the broker will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

Dated: June 27, 1997

  
RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

RJL:rfm

*Handwritten initials*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
APR 23 1997  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of  
JULIO CEASAR BAEZ,

}  
}

By K. Medenholz

Case No. H-26979 LA

OAH No. L-9704011

Respondent

**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, 107 South Broadway, Second Floor  
Los Angeles, CA 90012

on June 10, 1997, at the hour of 1:30 p.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: APR 23 1997

DEPARTMENT OF REAL ESTATE  
By Marjorie P. Messel  
Counsel

cc: Julio Ceasar Baez  
Crossland Mortgage Corp.  
Sacto  
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MA. I E P. MERSEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

(213) 897-3937

**FILED**  
JAN - 6 1997  
DEPARTMENT OF REAL ESTATE

By *K. Medulid*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of )	No. H-26979 LA
JULIO CEASAR BAEZ, )	<u>A C C U S A T I O N</u>
Respondent. )	

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The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JULIO CEASAR BAEZ (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

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 the Code). At all times herein mentioned, Respondent was licensed by the Department

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of Real Estate of the State of California as a real estate salesperson.

III

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

IV

On or about November 26, 1995, in the Superior Court, County of Los Angeles, Central District, California, Respondent was convicted of the crime of violating Health and Safety Code Section 11351 (Possession for Sale of Controlled Substance), a felony and a crime involving moral turpitude.

V

The crime of which Respondent was convicted, as described in Paragraph IV, above, constitutes 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.

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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 the license and license rights of Respondent JULIO CAESAR BAEZ, 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 provisions of law.

Dated at Los Angeles, California  
this 6th day of January, 1997.

THOMAS MC CRADY  

---

Deputy Real Estate Commissioner

cc: Julio Caesar Baez  
Crossland Mortgage Corp.  
Sacto.  
LR