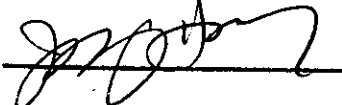


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FILED
JAN 27 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27332 LA
)
RANDY ARTHUR MENDOZA,)
)
Respondent.)
_____)

ORDER DENYING REINSTATEMENT OF LICENSE

On July 23, 1998, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On or about April 19 2004, 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.

I have considered Respondent's petition and
the evidence and arguments in support thereof. Respondent
has failed to demonstrate to my satisfaction that Respondent
has undergone sufficient rehabilitation to warrant the

1 reinstatement of Respondent's real estate salesperson license,
2 in that:

3 I
4

5 In the Decision which revoked Respondent's real
6 estate license, there were Determination of Issues made that
7 there was cause to revoke Respondent's real estate license
8 pursuant to Code Sections 490, 10177(a) and 10177(b) for
9 conviction of a crime and failure to disclose the conviction
10 on his license application.

11 On January 30, 1995, Respondent was convicted of
12 violating Penal Code Section 490.5 (Shoplifting). Said crime
13 involved moral turpitude and is substantially related to the
14 functions, qualifications and duties of a real estate licensee.
15

16 On September 16, 1996, Respondent submitted an
17 application for a real estate salesperson license to the
18 Department of Real Estate ("Department"). Respondent
19 represented on his application that he had no criminal
20 convictions.
21

22 ///

23 ///

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1 II

2 Respondent has additional convictions as follow:

3 In 1995, in the California Superior Court, County
4 of Riverside, Respondent was convicted of providing false
5 identification to a peace officer.
6

7 In 1995, in the California Superior Court, County
8 of Riverside, Respondent was convicted of driving under the
9 influence.

10 In 2001, in the California Superior Court, County
11 of Orange, Respondent was convicted of driving under the
12 influence.
13

14 Said crimes involve moral turpitude and are
15 substantially related to the functions, qualifications
16 and duties of a real estate licensee.

17 III

18 The burden of proving rehabilitation rests with the
19 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
20 A petitioner is required to show greater proof of honesty and
21 integrity than an applicant for first time licensure. The proof
22 must be sufficient to overcome the prior adverse judgment on the
23 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
24 395).

25 ///

26 ///

27 ///

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

6 2911(a) - A longer period than two (2) years
7 will be required if there is a history of acts or conduct
8 substantially related to the functions, qualifications
9 and duties of a real estate licensee. Given Respondent's
10 history of criminal convictions, additional time is needed
11 to assess Respondent's rehabilitation.
12

13 2911 (c) - Expungement of criminal convictions.
14 Respondent has not provided proof that his convictions have
15 been expunged.

16 Given the fact that Respondent has not established
17 that he has complied with Regulations 2911(a) and 2911(c),
18 I am not satisfied that Respondent is sufficiently
19 rehabilitated to receive a real estate salesperson license.
20

21 NOW, THEREFORE, IT IS ORDERED that Respondent's
22 petition for reinstatement of Respondent's real estate
23 salesperson license is denied.

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

27 ///

1 A restricted real estate salesperson license shall
2 be issued to Respondent pursuant to Code Section 10156.5
3 if Respondent within twelve (12) months from the date hereof:

4 (a) submits evidence satisfactory to the Real Estate
5 Commissioner that Respondent has, since his license was revoked,
6 taken and passed the written examination required to obtain a
7 real estate salesperson license.

8 (b) makes application therefor and pays the
9 appropriate fee for said license.
10

11 (c) submits evidence satisfactory to the Real Estate
12 Commissioner that Respondent has, since Respondent's license
13 was revoked, taken and successfully completed the continuing
14 education requirements of Article 2.5 of Chapter 3 of the Real
15 Estate Law (Business and Professions Code Section 10170.5) for
16 renewal of a real estate license.

17 The restricted license issued to Respondent shall be
18 subject to all of the provisions of Code Section 10156.7 and to
19 the following limitations, conditions and restrictions imposed
20 under authority of Code Section 10156.6:
21

22 1. The restricted license issued to Respondent
23 may be suspended prior to hearing by Order of the Real Estate
24 Commissioner in the event of Respondent's conviction or plea
25 of nolo contendere to a crime which is substantially related
26 to Respondent's fitness or capacity as a real estate licensee.
27

///
28

1 2. The restricted license issued to Respondent
2 may be suspended prior to hearing by Order of the Real Estate
3 Commissioner on evidence satisfactory to the Commissioner that
4 Respondent has violated provisions of the California Real
5 Estate Law, the Subdivided Lands Law, Regulations of the Real
6 Estate Commissioner or conditions attaching to the restricted
7 license.
8

9 3. Respondent shall not be eligible to apply for
10 the issuance of an unrestricted real estate license nor for
11 the removal of any of the conditions, limitations or
12 restrictions of a restricted license until two (2) years
13 have elapsed from the effective date of this Decision.
14

15 4. Respondent shall submit with any application for
16 license under an employing broker, or with any application for
17 transfer to a new employing broker, a statement signed by the
18 prospective employing real estate broker on a form approved by
19 the Department which shall certify:
20

21 (a) That the employing broker has read the Decision
22 of the Commissioner which granted the right to a restricted
23 license; and

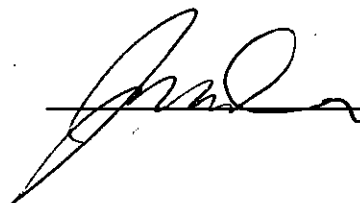
24 (b) That the employing broker will exercise close
25 supervision over the performance by the restricted licensee
26 relating to activities for which a real estate license is
27 required.

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This Order shall become effective at 12 o'clock noon
on February 16, 2005.

DATED: 1-6-05

JEFF DAVI
Real Estate Commissioner



cc: Randy A. Mendoza
228 Third St.
Huntington Beach, CA 92648

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

No. H-27332 LA

L-1997110045

The Proposed Decision dated July 13, 1998, 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 conviction of a crime and knowingly making a false statement of fact required to be revealed in an application for license.

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.

noon on This Decision shall become effective at 12 o'clock
August 27, 1998.

IT IS SO ORDERED 7/23, 1998.

JIM ANTT, JR.
Real Estate Commissioner

In Love

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation
against:

RANDY ARTHUR MENDOZA,

Respondent.

) No. H-27332 LA
)
)
) L-1997110045
)
)
)
)
)

PROPOSED DECISION

(Default, §11520, Gov't. C.)

This matter came on regularly for hearing before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California on July 7, 1998.

Complainant was represented by V. Ahda Sands, Counsel. RANDY ARTHUR MENDOZA, respondent, did not appear, nor did anyone appear in his behalf.

Documentary evidence was presented, and the matter was submitted for decision. The Administrative Law Judge renders his proposed decision as follows:

Findings of Fact

1. Complainant, Thomas McCrady, caused the accusation herein to be filed and served while acting solely in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. At all times hereinmentioned RANDY ARTHUR MENDOZA, respondent, was licensed as a real estate salesperson under the real estate law.

3. Complainant has timely filed and served all pleadings, notices and other papers upon respondent as required by law.

4. On September 16, 1996, respondent knowingly represented to the Department a material fact in that he stated in his written application for licensure that he had not been convicted of a crime, when, in fact, the converse was true.

5. Respondent was convicted on his guilty plea of the offense of shoplifting in violation of Section 490.5 of the Penal Code in the Riverside Consolidated Courts on January 30, 1995.

6. Counsel for the Department lodged with the court an unsworn writing, purportedly signed by the respondent, consisting of assertions and argument; these matters are not properly before the court, and cannot be considered in the absence of foundational testimony offered personally by the respondent. The writing has not been received in evidence, and has not been considered by the court.

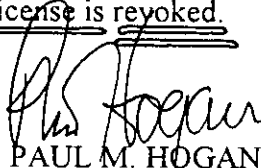
Determination of Issues

By reason of the foregoing facts, it is determined that cause for discipline of respondent's license exists pursuant to Sections 490, 10177(a) and 10177(b) of the Business and Professions Code.

Order

Respondent's salesperson's license is revoked.

July 13, 1998


PAUL M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO RESPONDENT

Respondent's non-appearance at the noticed hearing in this matter is called, in law, a default. Respondent's attention is directed to Section 11520 of the Government Code, which, in part, provides as follows:

"(c) Within seven days after service on the respondent of a decision based on the respondent's default, the respondent may serve a written motion requesting that the decision be vacated and stating the grounds relied on. The agency in its discretion may vacate the decision and grant a hearing on a showing of good cause. As used in this subdivision, good cause includes, but is not limited to, any of the following:

11505. "(1) Failure of the person to receive notice served pursuant to Section

 "(2) Mistake, inadvertence, surprise, or excusable neglect."

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
MAR - 9 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
RANDY ARTHUR MENDOZA,)
)
Respondent.)

Case No. H-27332 LA
OAH No. L-1997110045

NOTICE OF CONTINUED 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, 2nd Floor, Los Angeles, California, on **July 7, 1998**, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: March 9, 1998.

cc: Randy Arthur Mendoza
Roy Walter Zeller
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: V. Ahda Sands
V. AHDA SANDS, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
FEB 19 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

RANDY ARTHUR MENDOZA,)

Respondent.)

Case No. H-27332 LA
OAH No. L-1997110045

NOTICE OF CONTINUED 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, 2nd Floor, Los Angeles, California, on **March 24, 1998**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: February 19, 1998.

cc: Randy Arthur Mendoza
Roy Walter Zeller
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 

V. AHDA SANDS, Counsel

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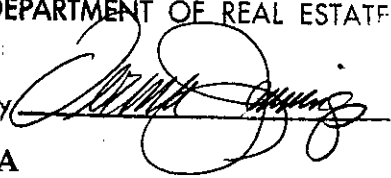
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
NOV 19 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
RANDY ARTHUR MENDOZA,)
)
Respondent.)

Case No. H-27332 LA
OAH No. L-1997110045

By: 

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, 2nd Floor, Los Angeles, California, on **February 10, 1998**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

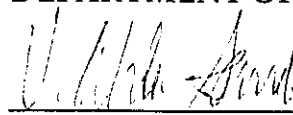
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: November 19, 1997.

cc: Randy Arthur Mendoza
Roy Walter Zeller
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 

V. AHDA SANDS, Counsel

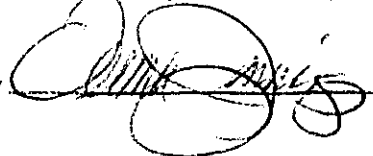
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V. AHDA SANDS, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
SEP 26 1997

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27332 LA
RANDY ARTHUR MENDOZA,)	<u>A C C U S A T I O N</u>
Respondent.)	

Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against RANDY ARTHUR MENDOZA (Respondent) alleges as follows:

1.

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

2.

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) (Code) as a real estate salesperson.

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3.

In order to induce reliance, respondent represented in his application for real estate license dated September 16, 1996, that he had no prior criminal convictions.

4.

In reliance upon the representations of Respondent described above, Respondent was originally licensed by the Department of Real Estate of the State of California (Department) as a conditional real estate salesperson on September 24, 1996, subject to the provisions of Section 10153.4 of the Code.

5.

Respondent's representations described in Paragraph 3 were false or misleading when made or were made by Respondent with no reasonable grounds for believing said representations to be true. In truth and in fact, Respondent had previously been convicted of a criminal offense.

6.

Respondent failed to disclose to the Department that on or about January 30, 1995, in the Riverside Consolidated Superior/Municipal Court, County of Riverside, Respondent was convicted upon a guilty plea of violating one count of Section 490.5 of the California Penal Code (shoplifting).

7.

The facts as alleged above are grounds for the suspension or revocation of the license and license rights of Respondent under Sections 10177(a), 10177(b), 490 and 498 of the Code.



1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondent RANDY
5 ARTHUR MENDOZA under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 26th day of September, 1997.

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12 

13 Deputy Real Estate Commissioner
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22

23 cc: Randy Arthur Mendoza
24 Roy Walter Zeller
25 Sacto.
26 DKB
27

