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FILED
JUL - 3 2007
DEPARTMENT OF REAL ESTATE
K. Kiederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	NO. H-27452 LA
	)	
HECTOR DANIEL MARTINEZ,	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 4, 1998, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on May 25, 1998. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On November 25, 2003, Respondent petitioned for reinstatement of said real estate broker 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. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would not
6 be against the public interest to issue said license to
7 Respondent.
8 Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 broker license be issued to Respondent, if Respondent satisfies
12 the following conditions within nine (9) months from the date
13 of this Order:
14

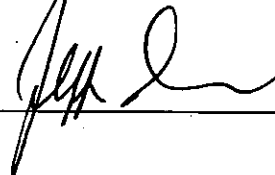
15 1. Submittal of a completed application and payment
16 of the fee for a real estate broker license.

17 2. Submittal of evidence of having, since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license.
22

23 This Order shall be effective immediately.

24 Dated: 6-8-07

25 JEFF DAVI
26 Real Estate Commissioner
27



Sacto

FILED
MAY - 4 1998
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *Jean Alenash*

* * * * *

In the Matter of the Accusation of	)	No. H-27452 LA
	)	
	)	L-1998020007
	)	
HECTOR DANIEL MARTINEZ,	)	
	)	
	)	
	)	
	)	
	)	
Respondent(s).	)	
_____	)	

DECISION

The Proposed Decision dated April 2, 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.

This Decision shall become effective at 12 o'clock
noon on May 25, 1998.

IT IS SO ORDERED May 4, 1998

JIM ANTT, JR.
Real Estate Commissioner

John R. Liberator
BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. H-27452 LA
Against:	)	
	)	
HECTOR DANIEL MARTINEZ,	)	OAH No. L-1998020007
	)	
Respondent.	)	

PROPOSED DECISION

This matter came on regularly for hearing before W.F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on March 24, 1998. James R. Peel, Counsel, represented the complainant. The respondent represented himself. Evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner.

II

Hector Daniel Martinez (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 California Business and Professions Code.

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate as a real estate broker, acting on behalf of others in expectation of compensation.

IV

At all times herein mentioned, Dennis Corn and Mary Shannahan were the owners of property located at 7756 Eton Avenue, Canoga Park, California. In or around March, 1997, respondent submitted an offer to purchase the property to the

owners from potential buyers Donald and Maria Saunders. The owners thereafter submitted the buyers' offer along with a completed "financial analysis" to North American Mortgage Company.

V

At about the same time, respondent submitted to North American Mortgage Company an Exclusive Authorization and Right to Sell Agreement for the property, purportedly signed by the owners, employing respondent as a real estate broker to sell the property.

VI

In truth, the owners at no time employed respondent to list their property for sale, and respondent or one of his employees, without the knowledge or permission of the owners, placed the signatures of the owners on the Exclusive Authorization and Right to Sell Agreement.

VII

No fraud or dishonest dealing by respondent was established; rather, this was a matter of terribly sloppy business practice in which respondent made an unwarranted assumption on the word of another that he had authorization to act for the owners, who were strangers to him. Respondent's signing the owners' names to the Exclusive Authorization and Right to Sell Agreement and his submitting that document to North American Mortgage Company did, however, constitute the making of a substantial misrepresentation in a real estate transaction.

* * * * *

Pursuant to the foregoing findings of fact, the following is the legal basis for the decision:

Cause exists for license discipline against respondent pursuant to Business and Professions Code section 10176(a) (but not pursuant to section 10176(i)), by reason of Finding VII.

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* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Hector Daniel Martinez under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under Authority of section 10156.6 of that Code:

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

2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

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

4. Respondent shall, within twelve (12) months from the effective date of this Decision, 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 Article 2.5 of Chapter 3 of the Real Estate Law 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.

5. Respondent shall, within six months from the effective date of this Decision, 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 respondent's license until respondent passes the examination.

Dated: 7-2-98



W.F. BYRNES

Administrative Law Judge

Office of Administrative Hearings

WFB:rfm

SACTO

197-0415-024
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 19 1998
DEPARTMENT OF REAL ESTATE
By [Signature]

In the Matter of the Accusation of)

HECTOR DANIEL MARTINEZ,)

Respondent.)

) NOTICE OF HEARING ON ACCUSATION

) Case No. H-27452 LA

) L- 1998-020-007

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, 2nd. Floor, Los Angeles, California 90012 on March 24, 1998. at 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: February 18, 1998

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL
DRE, Counsel

cc: HECTOR DANIEL MARTINEZ.
RW, OAH & SACTO

SACTD

FILED
DEC 15 1997
DEPARTMENT OF REAL ESTATE
By [Signature]

JAMES R. PEEL, Counsel
California Bar 47055
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-27452 LA
HECTOR DANIEL MARTINEZ,) A C C U S A T I O N
Respondent.)

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against HECTOR DANIEL MARTINEZ, alleges as follows:

I

The Complainant, Thomas Mc Crady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against HECTOR DANIEL MARTINEZ.

II

HECTOR DANIEL MARTINEZ (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

1 California Business and Professions Code, hereinafter referred
2 to as the "Code").

3
4 III

5 At all times herein mentioned, respondent was licensed
6 by the Department of Real Estate as a real estate broker, acting
7 on behalf of others in expectation of compensation.

8 IV

9 At all times herein mentioned, Dennis Corn and Mary
10 Shannahan were the owners of property located at 7756 Eton
11 Avenue, Canoga Park, California (hereinafter "owners"). In or
12 around March 1997 respondent submitted an offer to purchase the
13 property to the owners from potential buyers Donald and Maria
14 Saunders. The owners thereafter submitted the buyers' offer
15 along with a completed "financial analysis" to North American
16 Mortgage Company.

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18 At about the same time, respondent submitted to North
19 American Mortgage Company an Exclusive Authorization and Right
20 to Sell Agreement for the property purportedly signed by the
21 owners employing respondent as a real estate broker to sell the
22 property.

23 VI

24 In truth, the owners at no time employed respondent
25 to list their property for sale, and respondent, without the
26 knowledge or permission of the owners, placed the signatures of
27 the owners on the Exclusive Authorization and Right to Sell
Agreement.

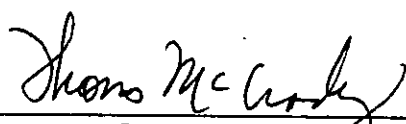


VII

Respondent's conduct, as alleged above, subjects his real estate licenses and license rights to suspension or revocation under Sections 10176(a) and 10176(i) of the Code.

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 licensing rights of respondent HECTOR DANIEL MARTINEZ, 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 15th day of December 1997.


Deputy Real Estate Commissioner

cc: HECTOR DANIEL MARTINEZ
Sacto.
RW

JRP:rgp

