

FILED

JAN 03 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
NATIVIDAD GONZALEZ,)	No. H-24936 LA
Respondent.)	H-27532 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On June 11, 1996, in Case No. H-24936 LA, an Order was rendered denying the real estate broker license application 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 July 11, 1996. On May 27, 1998, in Case No. H-27532 LA, a Decision was rendered revoking the restricted real estate broker license.

On September 1, 1999, 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 Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's unrestricted real estate broker license.

6 The Order in Case No. H-24936 LA found that Respondent
7 had failed to comply with the requirements of law in handling
8 trust funds and failed to exercise reasonable supervision over
9 the activities of salespersons licensed under Respondent.

10 Given the violations found and the fact that Respondent
11 has not engaged as a broker in the operation of a real estate
12 brokerage business or otherwise acted in a fiduciary capacity,
13 Respondent has not established that he has complied with Section
14 2911 (j), Title 10, California Code of Regulations. Consequently,
15 I am not satisfied that Respondent is sufficiently rehabilitated
16 to receive an unrestricted real estate broker license.
17 Additional time and evidence of correction as a restricted real
18 estate broker is necessary to establish that Respondent is
19 rehabilitated,

20 I am satisfied, therefore, that it will not be
21 against the public interest to issue a restricted real estate
22 broker license to Respondent.

23 NOW, THEREFORE, IT IS ORDERED that Respondent's
24 petition for reinstatement of his real estate broker license is
25 denied.

26 ///

27 ///

1 A restricted real estate broker license shall be issued
2 to Respondent pursuant to Section 10156.5 of the Business and
3 Professions Code, if Respondent satisfies the following
4 conditions within nine(9) months from the date of this Order:

5 1. Submittal of a completed application and payment of
6 the fee for a restricted real estate broker license.

7 2. Submittal of evidence of having, since the most
8 recent issuance of an original or renewal real estate license,
9 taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
11 for renewal of a real estate license.

12 The restricted license issued to Respondent shall be
13 subject to all of the provisions of Section 10156.7 of the
14 Business and Professions Code and to the following limitations,
15 conditions and restrictions imposed under authority of Section
16 10156.6 of that Code:

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

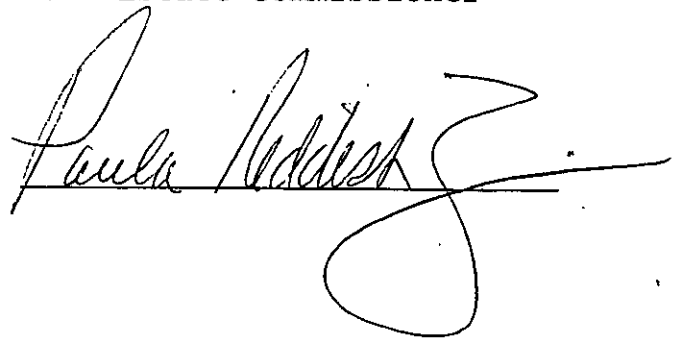
22 B. The restricted license issued to Respondent may be
23 suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26 Law, the Subdivided Lands Law, Regulations of the Real Estate
27 Commissioner or conditions attaching to the restricted license.

1 C. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor the removal
3 of any of the limitations, conditions or restrictions of a
4 restricted license until one (1) year has elapsed from the date
5 of the issuance of the restricted license to respondent.

6 This Order shall become effective at 12 o'clock
7 noon on January 23, 2001.

8 DATED: DECEMBER 13, 2000

9 PAULA REDDISH ZINNEBANN
10 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of

NATIVIDAD GONZALEZ,

Respondent(s).

FILED
JUN - 8 1998
DEPARTMENT OF REAL ESTATE

By K. Mederholz

No. H-27532 LA
L-1998030340

DECISION

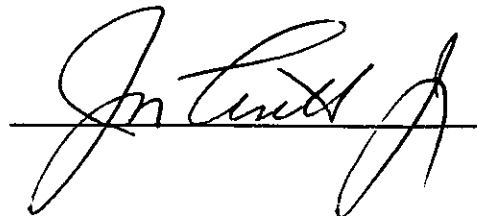
The Proposed Decision dated May 8, 1998,
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on June 30, 1998.

IT IS SO ORDERED

5/27/98

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against	)	No. H-27532 LA
	)	
NATIVIDAD GONZALEZ,	)	OAH No. L1998030340
	)	
	)	
Respondent.	)	
	)	

PROPOSED DECISION

This matter was heard on May 1, 1998, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the State of California Office of Administrative Hearings. The complainant was represented by Martha J. Rosett, Counsel. The respondent was present and represented himself.

FACTUAL FINDINGS

1. The Accusation herein was made and filed by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Natividad Gonzalez (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) as a restricted real estate broker.

3. On or about July 11, 1996, the Department of Real Estate (Department) issued the aforesaid restricted real estate broker license to respondent on the terms, conditions and restrictions set forth in the Stipulation and Agreement in Settlement adopted by the Real Estate Commissioner's order of June 11, 1996, effective July 11, 1996, in Case No. H-24936 LA.

Included in said terms, conditions and restrictions was condition #4, which stated:

"Respondent shall, within twelve (12) months of the effective date 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 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."

4. As of the conclusion of the administrative hearing on May 1, 1998, respondent had not 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, and had not presented the evidence required by condition #4 of his probation.

5. Respondent's excuse for not complying with condition #4 of his probation was that he has been devastated by the circumstances resulting in and from the restriction of his license.

LEGAL CONCLUSIONS

The facts hereinabove set forth establish that respondent has violated a condition of the order granting his restricted real estate broker license; wherefore, cause exists under Section 10177(k) of the Business and Professions Code to suspend or revoke his license and license rights.

ORDER

The restricted real estate broker license and license rights of respondent Natividad Gonzalez are revoked.

DATED: May 8, 1998


JERRY MITCHELL
Administrative Law Judge

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 27 1998
DEPARTMENT OF REAL ESTATE

By *K. K. K. K. K.*

In the Matter of the Accusation of

NATIVIDAD GONZALEZ,

}

Case No. H-27532 LA

OAH No. L-1998030340

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 May 1, 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.

DEPARTMENT OF REAL ESTATE

Dated: March 27, 1998

By *Martha J. K. K.* Counsel

cc: Natividad Gonzalez
Sacto
OAH
MA

RE 501 (Rev. 8/97)
kw

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guy

DEPARTMENT OF REAL ESTATE
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAR - 9 1998
DEPARTMENT OF REAL ESTATE

By *R. Muhlert*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-27532 LA
)
)
NATIVIDAD GONZALEZ,)
)
) Respondent.)
_____)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: NATIVIDAD GONZALEZ, Respondent
14914 E. Clark Avenue
City of Industry, CA 91745

On or about July 11, 1996, a restricted real estate broker license was issued by the Department of Real Estate to Respondent NATIVIDAD GONZALEZ, on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of June 11, 1996, in Case No. H-24936 LA. This Order granted the right to a restricted real estate broker license subject to the provisions of Section 10156.6 of the Business and Professions Code of the State of California.

1 On February 9, 1998, in Case No. H-27532 LA , an.
2 Accusation by a Deputy Real Estate Commissioner of the State of
3 California was filed charging Respondent with a violation of
4 Section 10177(k) of the Business and Professions Code.

5 NOW, THEREFORE, IT IS ORDERED under authority of Section
6 10156.7 of the Business and Professions Code of the State of
7 California that the restricted real estate broker license
8 heretofore issued to Respondent and the exercise of any privileges
9 thereunder is hereby suspended pending a final determination made
10 after the hearing on the aforesaid Accusation.

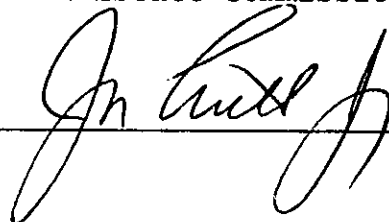
11 IT IS FURTHER ORDERED that all license certificates and
12 identification cards issued by the Department of Real Estate which
13 are in possession of Respondent be immediately surrendered by
14 personal delivery or by mailing in the enclosed self-addressed
15 envelope to:

16
17 Department of Real Estate
18 107 South Broadway, Room 8107
19 Los Angeles, California 90012

20 This Order is effective immediately.

21 DATED: 3/4/98

22 JIM ANTT, JR.
23 Real Estate Commissioner

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1 MARTHA J. ROSETT, Counsel
2 State Bar # 142072
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, CA 90012

6 (213) 897-3937

FILED
FEB - 9 1998
DEPARTMENT OF REAL ESTATE

By R. Niederholt

8
9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of) No. H-27532 LA
13)
14 NATIVIDAD GONZALEZ,)
15)
16 Respondent.)
_____)

17 The Complainant, Thomas McCrady, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against NATIVIDAD GONZALEZ (hereinafter "Respondent"), is informed
20 and alleges as follows:

21 I

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

25 II

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



1 as a restricted real estate broker.

2 II

3 On or about July 11, 1996, the aforesaid restricted real
4 estate broker license was issued by the Department to Respondent
5 on the terms, conditions and restrictions set forth in the
6 Stipulation and Agreement in Settlement, adopted by the Real
7 Estate Commissioner's Order of June 11, 1996, effective July 11,
8 1996, in Case No. H-24936 LA.

9 Included in said terms, conditions and restrictions was
10 the following condition:

11 "4. Respondent shall, within twelve (12) months of
12 the effective date of the restricted license, present
13 evidence satisfactory to the Real Estate Commissioner
14 that respondent has, since the most recent issuance of
15 an original or renewal real estate license, taken and
16 successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real
18 Estate Law for renewal of a real estate license. If
19 respondent fails to satisfy this condition, the
20 Commissioner may order the suspension of the restricted
21 license until the Respondent presents such evidence.
22 The Commissioner shall afford respondent the opportunity
23 for a hearing pursuant to the Administrative Procedure
24 Act to present such evidence."

19 III

20 The requirements set forth above, in Paragraph II,
21 should have been met by Respondent by on or about July 11, 1997.
22 To date, Respondent has failed to submit evidence that he has
23 successfully completed the continuing education requirements of
24 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
25 real estate license.

26 IV

27 The facts set forth above are grounds for the suspension



1 or revocation of Respondent's restricted real estate broker's
2 license and license rights under Section 10177(k) of the Code.

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 all
6 licenses and/or license rights of Respondent NATIVIDAD GONZALEZ,
7 under the Real Estate Law and for such other and further relief as
8 may be proper under applicable provisions of law.

9 Dated at Los Angeles, California
10 this 9th day of February, 1998.

11
12 THOMAS MC CRADY
13 Deputy Real Estate Commissioner
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26 cc: Natividad Gonzalez
27 Sacto.
MA

