

FILED

MAY 20 2003

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
PORFIRIO MOLINA,) NO. H-27923 LA
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 2, 1999, a Decision was rendered accepting the voluntary surrender of Respondent's real estate salesperson license as a result of an Accusation filed in Case No. H-27923 LA.

On July 15, 2002, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of a real estate salesperson license

1 and that it would not be against the public interest to issue
2 said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that a real estate
5 salesperson license be issued to Respondent if Respondent
6 satisfies the following conditions within nine months from the
7 date of this Order:

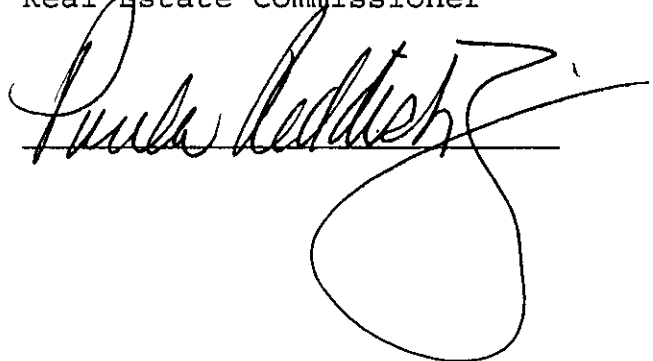
8 1. Submittal of a completed application and payment
9 of the fee for a real estate salesperson license.

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

15 This Order shall be effective immediately.

16 DATED: April 29, 2003.
17

18 PAULA REDDISH ZINNEMANN
19 Real Estate Commissioner

20 
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE

* * * * *

John R. Liberator

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	Case No. H-27923 LA
)	
PORFIRIO MOLINA,)	L-1999040201
)	
Respondent.)	
)	
)	

PROPOSED DECISION

This matter came on regularly to be heard before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on June 15, 1999.

Complainant was represented by Elliott MacLennan, Counsel. Respondent appeared personally without counsel.

Respondent freely and voluntarily stated his desire that he be allowed to voluntarily surrender his license. After having been informed of the regulations concerning such action, he orally petitioned the Department to be allowed to do so. As noted hereafter, it is recommended that he be allowed to do so.

Documentary evidence was presented and the matter was submitted for decision. The Administrative Law Judge proposes the following decision:

Findings of Fact

1. Complainant, Thomas McCrady, is a Deputy Real Estate Commissioner of the State of California, and filed the Accusation while acting solely in his official capacity.
2. Porfirio Molina, respondent, is a licensee of the Department pursuant to the provisions of the California Real Estate Law.

3. Respondent filed a written application, on May 29, 1998, with the Department for issuance of a salesperson's license, and in so doing represented in writing that he had not been convicted of any violation of law.
4. In fact, as respondent then knew, he had been convicted of a violation of Section 484(a) of the Penal Code (misdemeanor petty theft) upon his plea of nolo contendere, a crime, which by its facts and circumstances involves moral turpitude and is substantially related to the qualifications, functions or duties of a real estate licensee.
5. Respondent, at the time of the hearing, admitted the truth of the foregoing findings, and has agreed to the following as a condition of the commissioner's acceptance of his petition for acceptance of the voluntary surrender of his real estate salesperson's license:

"The filing of a petition shall be deemed to be an understanding and agreement by the licensee that upon acceptance by the commissioner all affidavits obtained in the investigation prior to the acceptance and all allegations contained in an accusation filed pursuant to Section 11503 of the Government Code may be considered to be true and correct for the purpose of deciding whether or not to grant reinstatement of the license."

Determination of Issues

The foregoing findings of fact constitute cause under Sections 490 and 10177(b) of the Business and Professions Code for discipline of all licenses and license rights of respondent under the Real Estate Law and for an Order of the commissioner accepting respondent's petition for acceptance of his voluntary surrender of his real estate sales person's license. Therefore, good cause appearing,

Order

The petition of PORFIRIO MOLINA for an order of the Commissioner accepting his voluntary surrender of his real estate salesperson's license is hereby granted.

July 2, 1999



Paul M. Hogan
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
APR 28 1999

In the Matter of the Accusation of)

Case No. H-27923 LA)

OAH No. L-1999040201)

PORFIRIO MOLINA,)

Respondent.)

DEPARTMENT OF REAL ESTATE

By Sandra B. Brown

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on JUNE 15, 1999, at the hour of 10:00 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: APR 28 1999

DEPARTMENT OF REAL ESTATE

By: Elliott MacLennan

ELLIOTT MACLENNAN, Counsel

cc: Porfirio Molina
All Casa Realty Group, Inc.
Sacto, OAH

RE 501 (Rev. 8/97)

FILED
NOV 20 1998
DEPARTMENT OF REAL ESTATE

By Laura B. Orme

STATE OF CALIFORNIA

* * * * *

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against PORFIRIO MOLINA also known as Porfirio Molina Ramos, is informed and alleges in his official capacity as follows:

I

On June 12, 1998, respondent was issued a real estate salesperson license subject to the provisions of Section 10153.4(c) of the Business and Professions Code, following respondent's application therefore filed on May 29, 1998. Respondent has continuously thereafter been and is presently licensed and/or has license rights under the Real Estate Law (Part I of Division 4 of the Business and Professions Code).

II

In response to Question 25 of said application, to wit, "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? (You may omit any traffic violations where the disposition was a fine and the amount was \$100 or less)" respondent marked the answer box denoting "No."

III

On February 4, 1997, in the Municipal Court of California, Los Angeles County, Citrus Judicial District, State of California, respondent was convicted upon a plea of nolo contendere to one count of violating Section 484(a) of the California Penal Code (petty theft) a misdemeanor crime that occurred on December 28, 1996, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's failure to disclose the conviction set forth in Paragraph III, above, in said application, constitutes the procurement of a real state license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application which is cause for suspension or revocation of respondent's real estate license or license rights under Sections 498 and 10177(a) of the California Business and Professions Code.

/

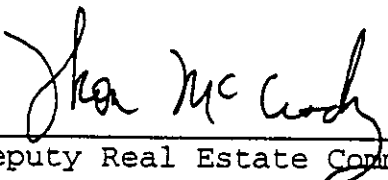


The facts as alleged in Paragraph III constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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 licenses and license rights of respondent PORFIRIO MOLINA 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 20th day of November, 1998.


Deputy Real Estate Commissioner

cc: Porfirio Molina
All Casa Realty Group, Inc.
Sacto.
JP

