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FILED
OCT 15 2007
DEPARTMENT OF REAL ESTATE

K. Wiederholt

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28055 LA
)	
LUIS JOSE ORBEGOSO,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 14, 1999, a Decision was rendered herein revoking Respondent's real estate salesperson license.

On July 11, 2006, Respondent petitioned for reinstatement of Respondent's 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. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that

1 it would not be against the public interest to issue said
2 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 twelve (12) months
7 from the date of this Order:

8 1. Submittal of evidence satisfactory to the Real
9 Estate Commissioner that Respondent has, since Respondent's
10 license was revoked, taken and passed the written examination
11 required to obtain a real estate salesperson license.

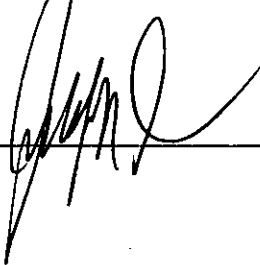
12 2. Submittal of a completed application and payment
13 of the fee for a real estate salesperson license.

14 This Order shall be effective immediately.

15 Dated: 10-4-07

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17 JEFF DAVI
Real Estate Commissioner

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FILED
APR 9 2003
DEPARTMENT OF REAL ESTATE

Laura B. Cline

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28055 LA
)
LUIS JOSE ORBEGOSO,)
)
Respondent.)
_____)

ORDER DENYING REINSTATEMENT OF LICENSE

On December 14, 1999, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On or about April 2, 2002, 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.

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
4 I

5 In the Decision which revoked the real estate license
6 of Respondent there was a Determination of Issues made that
7 there was cause to revoke Respondent's real estate license
8 pursuant to Business and Professions Code ("Code") Sections
9 490 and 10177(b).

10 On or about April 23, 1998, Respondent was convicted
11 of two counts of violating California Penal Code ("P.C.")
12 Section 529.3 (False Personation Causing Victim to become
13 Liable), one count of violating P.C. Section 470(a) (Forgery),
14 one count of violating P.C. Section 532(a) (Falsely Stating
15 Financial Condition to Obtain Credit), and one count of
16 violating P.C. Section 470(a) (Forgery of a Check). Said
17 crimes involve moral turpitude and are substantially related to
18 the qualifications, functions and duties of a licensee.
19
20

21 II

22 Respondent's petition for reinstatement of his
23 license is governed by the Criteria of Rehabilitation set forth
24 in the California Administrative Code, Section 2911, Title 10,
25 Chapter 6, California Code of Regulations ("Regulations").
26 Section 2911 provides as follows: "The following criteria have
27

1 been developed by the department pursuant to Section 482(a) of
2 the Business and Professions Code for the purpose of evaluating
3 the rehabilitation of an applicant for issuance or for
4 reinstatement of a license in considering whether or not to
5 deny the issuance or reinstatement on account of a crime or act
6 committed by the applicant."
7

8 It appears that Respondent has met the following
9 applicable Criteria of Rehabilitation, Regulation 2911:

10 (b) restitution; (c) expungement of conviction;
11 (d) registration pursuant to Penal Code Section 290 is not
12 required; (e) discharge from probation; (f) abstinence from
13 use of alcohol does not apply; (g) payment of fine or monetary
14 penalty; (h) stability of family life; (j) discharge of debts;
15 (k) correction of business practices; (m) new social and
16 business relationships.
17

18 III

19 Respondent applied for a notary commission with the
20 California Secretary of State in August, 1999. His application
21 was denied in August, 2002 because he failed to disclose his
22 1998 conviction on the license application.

23 Said act and omission is cause to deny issuance of a
24 real estate license pursuant to Code Section 10177(f).

25 This evidences a lack of rehabilitation and is cause
26 to deny Respondent's petition pursuant to Regulation 2911(a).

27 ///

1 IV

2 Respondent has not provided proof of completion of
3 or enrollment in educational or vocational training courses.
4 This evidences a lack of rehabilitation and is cause to deny
5 Respondent's petition pursuant to Regulation 2911(i).
6

7 V

8 Respondent has not provided proof of significant or
9 conscientious involvement in community or social programs.
10 This evidences a lack of rehabilitation and is cause to deny
11 Respondent's petition pursuant to Regulation 2911(l).
12

13 VI

14 As part of the petition application process, a Deputy
15 Real Estate Commissioner ("Deputy") requested an interview with
16 Respondent. Respondent failed to appear for the interview and
17 failed to make additional arrangements.

18 Respondent has not presented evidence of a change
19 in attitude. This evidences a lack of rehabilitation and is
20 cause to deny Respondent's petition pursuant to Regulation
21 2911(n)(1).
22

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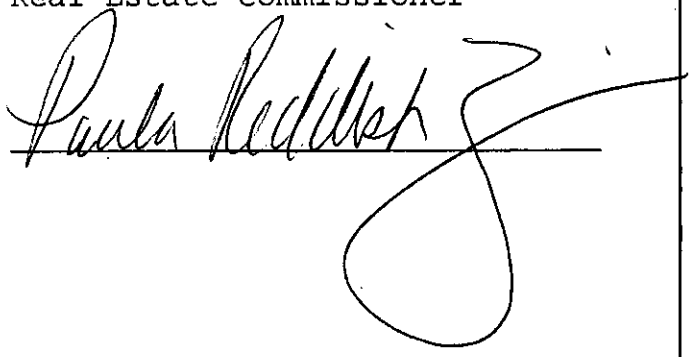
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NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement of Respondent's salesperson license
is denied.

This Order shall become effective at 12 o'clock noon
on April 29, 2003.

DATED: April 2, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Luis Jose Orbegoso
1258 Deerpark Drive, # 121
Fullerton, CA 92831

P.O. Box 94
Placentia, CA 92871

facto
Jan

FILED
DEC 27 1999
DEPARTMENT OF REAL ESTATE

By *Jan B. Burn*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28055 LA
LUIS JOSE ORBEGOSO,)	L-1999 060 142
Respondent.)	

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before Barbara Bailey Barnes, Administrative Law Judge Pro Tem of the Office of Administrative Hearings at Los Angeles, California, on July 22, 1999.

Complainant was represented by James R. Peel, Counsel. Respondent LUIS JOSE ORBEGOSO was present at the hearing and was represented by J. B. Casas, Jr., Esq. Evidence was received and the matter stood submitted on July 22, 1999.

On August 18, 1999, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section 11517(c) of the Government Code of the State of California,

1 Respondent was served with a copy of the Proposed Decision dated
2 August 18, 1999, and with Notice that the case would be decided by
3 me upon the record including the transcript of proceedings held on
4 July 22, 1999 and upon any written argument offered by the
5 parties.

6 Argument has been submitted on behalf of the parties. I
7 have given careful consideration to the record in this case
8 including the transcript of proceedings of July 22, 1999.

9 I have determined that the Findings of Fact in the
10 Proposed Decision of the Administrative Law Judge dated August 18,
11 1999, are appropriate in all respects and they are adopted as the
12 Findings of Fact of the Real Estate Commissioner in this
13 proceeding. The Determination of Issues and Order shall be as
14 follows:

15 **DETERMINATION OF ISSUES**

16 Cause exists pursuant to Business and Professions Code
17 Sections 490 and 10177(b) to suspend or revoke respondent's real
18 estate salesperson license in that he has been convicted of a
19 moral turpitude type crime which is substantially related to the
20 qualifications, functions and duties of a real estate licensee.
21 The evidence further shows that respondent is still on probation
22 from the conviction referred to herein.

23 Contrary to Determination of Administrative Law Judge
24 the public interest would be jeopardized by the minimal
25 disciplinary order proposed.

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ORDER

All licenses and licensing rights of Respondent LUIS JOSE ORBEGOSO under the Real Estate Law are revoked.

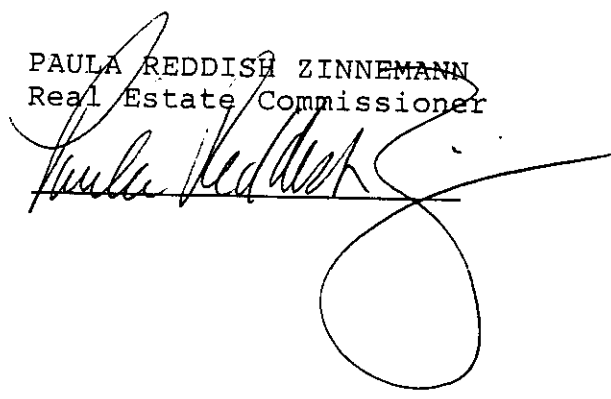
Petition for reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate license through a petition for reinstatement, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on January 18, 2000

IT IS SO ORDERED 12/14/99

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



SACTO

FILED

SEP 09 1999
DEPARTMENT OF REAL ESTATE

By _____

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28055 LA
LUIS JOSE ORBEGOSO,)	
Respondent.)	L-1999 060 142
_____)	

NOTICE

TO: Respondent: LUIS JOSE ORBEGOSO, and your attorney of record J. B. Casas, Jr. Esq.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated August 18, 1999, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated August 18, 1999, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on July 22, 1999 and any written argument hereafter submitted on behalf of Respondents and Complainant.

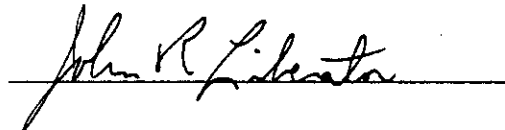


1 Written argument of Respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript of
3 the proceedings of July 22, 1999 at the Los Angeles office of the
4 Department of Real Estate unless an extension of the time is
5 granted for good cause shown.

6 Written argument of Complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 Respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED September 3, 1999

12 JOHN R. LIBERATOR
13 Acting Real Estate Commissioner

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**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	File No. : H-28055 LA
)	
LUIS JOSE ORBEGOSO)	OAH No. : L1999060142
)	
)	
Respondent.)	
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PROPOSED DECISION

On July 22, 1999, in Los Angeles, California, Barbara Bailey Barnes, Administrative Law Judge Pro Tem, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady, was represented by James Peel, Staff Counsel.

Respondent, Luis Jose Orbegoso, ("Respondent"), appeared and was represented by J.B. Casas, Jr., Attorney at Law.

Oral and documentary evidence was received. The record was closed and the matter submitted for decision.

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.

2. Respondent was initially licensed as a real estate salesperson by the Department of Real Estate of the State of California, ("the Department"), on December 23, 1992. His salesperson's license, number 01151238, is due to expire on January 10, 2001.

///

3. On April 23, 1998, in the Municipal Court of Orange County, State of California, in case number, LH98NM01544, Respondent was convicted, on his plea of guilty, of violating the following misdemeanor crimes: (Count 1), Section 529.3 of the California Penal Code, ("P.C."), *false personation causing victim to become liable*; (count 2), Section 470 (a) P.C., *forgery*; (count 3), 532 (a) P.C., *falsely stating financial condition to obtain credit*; (count 4) 529.3 P.C., *false personation causing victim to become financially liable*, and (count 5), Section 470 (a) P.C., *forgery of a check*. All of these offenses are crimes involving moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

4. The facts and circumstances underlying Respondent's conviction are as follows: Between May, 1994 and September, 1994, Respondent impersonated Earl Ivan Briones, a licensed real estate broker, ("Briones"), by using Briones' name, driver's license number, social security number and credit report to rent an apartment. Respondent also resided in the apartment. Respondent signed Briones' signature to the rental application. Forging Briones' name, Respondent paid the rent with a check on an account having insufficient funds. Respondent used Briones' name to place two phone lines in the apartment.

5. As a result of Respondent's conviction, imposition of sentence was suspended and Respondent was placed on informal probation for three (3) years on the conditions that he violate no laws, make restitution to the victim for "out of pocket" costs (according to Respondent these costs were determined to be \$500, which Respondent has paid); spend sixty (60) days in the Orange County jail, stayed pending Respondent's successful completion of probation, with credit for thirteen (13) days served. He was also ordered to use only his true name. Respondent's probation grant will expire in 2001, provided there are no violations of same.

6. Respondent expresses genuine remorse for his criminal activity. He has incurred no other criminal violations and, since 1995, has been continuously employed full-time as a real estate salesperson. He has not informed his current employer of his convictions.

7. Respondent is the sole support of his family which consists of his wife and three children, ages nine (9), fifteen (15) and eighteen (18) years old. Respondent also supports his parents who reside in Peru. Respondent requests that the Department grant him the ability to continue working as a real estate salesperson. He admits the wrongfulness of his previous criminal acts and is convincing that he is intent on remaining law-abiding in the future.

///

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists for the suspension or revocation of Respondent's real estate salesperson's license pursuant to Business and Professions Code Section 490 (a), as that section interacts with section 10177 (b), for conviction of a crime, as set forth in Findings 3, 4 and 5.

There is no doubt that the crimes for which Respondent has been convicted are crimes involving moral turpitude and crimes which are substantially related to the functions, qualifications and duties of a real estate licensee.

Although this does not excuse Respondent's involvement, the acts which led to Respondent's conviction occurred in 1994, more than five years ago. Respondent has incurred no previous or further violations of the law. He was not arrested for these crimes until 1998, the delay in his prosecution being unexplained. Respondent has continued to work as a real estate salesperson for most of the last five years, with no other complaints being received by the Department. He was placed on informal, unsupervised probation by the criminal court and, according to Respondent, has completed payment of the court-ordered restitution.

Of concern is Respondent's admission that he has failed to inform his present employer of his conviction. This appears to be due to Respondent's fear of losing his only means of supporting his family. However, Respondent is credible when he states he intends to remain a law-abiding citizen and his clean record following his 1998 conviction is further evidence of his rehabilitation.

Based upon all of the foregoing, the public interest would not be adversely affected by the issuance of a probationary license to Respondent conditioned as set forth below.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Not adopted { All licenses and licensing rights appurtenant thereto of Respondent, LUIS JOSE ORBEGOSO, under the Real Estate Law are revoked; provided, however, a restricted real estate salespersons 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 licenses 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 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 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 conditions, limitations or restrictions of a restricted license until three (3) years have elapsed from the effective date of this Decision.

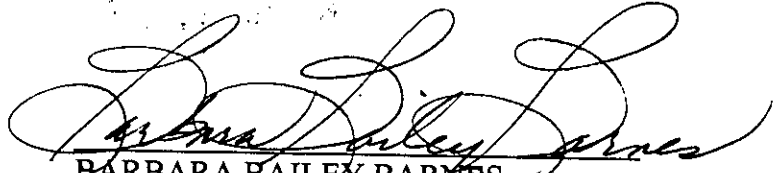
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

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

5. Respondent shall, within nine 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.

6. 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: August 18, 1999



BARBARA BAILEY BARNES,
Administrative Law Judge Pro Tem
Office of Administrative Hearings

SACTO

198-0826-023
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 22 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
LUIS JOSE ORBEGOSO,)
Respondent.)

H-28055 LA By
NOTICE OF HEARING
L-1999 060 142

[Handwritten signature]

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, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on **JULY 22th, 1999, at 1:30 p.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: JUN 22 1999

DEPARTMENT OF REAL ESTATE

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

cc: Luis J. Orbegoso
LK, OAH & SACTO

SACTH

FILED
May 6 1999
DEPARTMENT OF REAL ESTATE
By [Signature]

1 James R. Peel, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-28055 LA
13 LUIS JOSE ORBEGOSO,)
14) A C C U S A T I O N
15 Respondent.)

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against LUIS JOSE ORBEGOSO, alleges as follows:

19 I

20 The Complainant, Thomas McCrady, acting in his official
21 capacity as a Deputy Real Estate Commissioner of the State of
22 California makes this Accusation against LUIS JOSE ORBEGOSO.

23 II

24 LUIS JOSE ORBEGOSO (hereinafter referred to as
25 respondent) is presently licensed and/or has license rights under
26 the Real Estate Law (Part 1 of Division 4 of the California
27 Business and Professions Code, hereinafter "Code").

1 III

2 At all times herein mentioned, respondent was licensed
3 by the Department of Real Estate of the State of California as a
4 real estate salesperson.

5 IV

6 On or about April 23, 1998, in the Municipal Court for
7 the County of Orange, State of California, respondent was
8 convicted of multiple counts of violating Penal Code Sections
9 529.3 (False personation - causing victim to become liable), 470
10 (forgery of check), 532(a) (falsely state financial condition to
11 obtain credit), crimes involving moral turpitude.

12 V

13 The crimes of which respondent was convicted bear a
14 substantial relationship to the qualifications, functions or
15 duties of a real estate licensee.

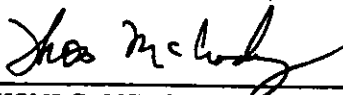
16 VI

17 Respondent's criminal conviction is cause under Sections
18 490 and 10177(b) of the Business and Professions Code for
19 suspension or revocation of all licenses and license rights of
20 respondent under the Real Estate Law.

21 WHEREFORE, Complainant prays that a hearing be conducted
22 on the allegations of this Accusation and, that upon proof
23 thereof, a decision be rendered imposing disciplinary action
24 against all licenses and license rights of Respondent LUIS JOSE
25 ORBEGOSO under the Real Estate Law (Part 1 of Division 4 of the
26 Business and Professions Code) and for such other and further
27 relief as may be proper under other applicable provisions of law.

1 Dated at Los Angeles, California this 5th. day of May, 1999.

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THOMAS MC CRADY
Deputy Real Estate Commissioner

SACTO

1 James R. Peel, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013

FILED
APR 22 1999
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-28055 LA

12 LUIS JOSE ORBEGOSO,)
13)
14)

ACCUSATION

15 Respondent.

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against LUIS JOSE ORBEGOSO, alleges as follows:

19 I

20 The Complainant, Thomas McCrady, acting in his official
21 capacity as a Deputy Real Estate Commissioner of the State of
22 California makes this Accusation against LUIS JOSE ORBEGOSO.

23 II

24 LUIS JOSE ORBEGOSO (hereinafter referred to as
25 respondent) is presently licensed and/or has license rights under
26 the Real Estate Law (Part 1 of Division 4 of the California
27 Business and Professions Code, hereinafter "Code").

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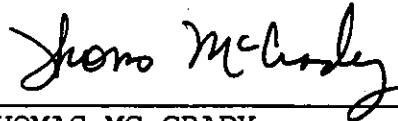
III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about April 23, 1998, in the Municipal Court for the County of Orange, State of California, respondent was convicted of multiple counts of violating Penal Code Sections 529.3 (False personation - causing victim to become liable), 470 (forgery of check), 532(a) (falsely state financial condition to obtain credit), crimes involving moral turpitude.

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 license rights of Respondent DAVID DEVOE POLING 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 19th. day of April, 1999.



THOMAS MC CRADY
Deputy Real Estate Commissioner