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FILED
OCT 29 1999
DEPARTMENT OF REAL ESTATE

By C. B.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-28062 LA
CARLOS LOPEZ BELTRAN,)	L-1999040116
Respondent.)	
_____)	

DECISION AFTER REJECTION

The matter came on for hearing before Erica Tabachnick, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on June 25, 1999. Chris Leong, Counsel, represented the complainant. CARLOS LOPEZ BELTRAN was present and represented himself. Evidence was received, the hearing was closed and the matter was submitted.

On July 6, 1999, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my decision herein. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with notice of my determination not to adopt the Proposed Decision of the Administrative Law Judge along with a copy of said Proposed

1 Decision. Respondent was notified that the case would be
2 decided by me upon the record, the transcript of proceedings
3 held on June 25, 1999, and upon any written argument offered by
4 Respondent.

5 Argument has been submitted by Respondent.

6 I have given careful consideration to the record in
7 this case, including the transcript of proceedings of
8 June 25, 1999. The following shall constitute the Decision of
9 the Real Estate Commissioner in this proceeding:

10 FINDINGS OF FACT

11 I have determined that the Findings of Fact in the
12 Proposed Decision of the Administrative Law Judge, dated July 6,
13 1999, are appropriate in all respects and they are adopted as
14 the Findings of Fact of the Real Estate Commissioner in this
15 proceeding.

16 DETERMINATION OF ISSUES

17 I have determined that the Determination of Issues in
18 the Proposed Decision of the Administrative Law Judge, dated
19 July 6, 1999, are appropriate in all respects and they are
20 adopted as the Determination of Issues of the Real Estate
21 Commissioner in this proceeding.

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ORDER

I have determined that the Order in the Proposed
Decision of the Administrative Law Judge, dated July 6, 1999, is
appropriate in all respects and it is adopted as the Order of
the Real Estate Commissioner in this proceeding.

This Decision shall become effective at 12 o'clock
noon on November 18, 1999.

IT IS SO ORDERED October 26, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

IN THE MATTER OF THE)	Case No. H-28062 LA
APPLICATION OF:)	
)	OAH No. L-1999040116
CARLOS LOPEZ BELTRAN,)	
)	
Respondent.)	
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PROPOSED DECISION

On June 25, 1999, in Los Angeles, California, Erica Tabachnick, Administrative Law Judge-Pro Tem, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady, was represented by Chris Leong, Staff Counsel.

Respondent, Carlos Lopez Beltran ("Respondent") was present and represented himself.

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

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Statement of Issues was made by Thomas McCrady, Complainant, who is a Department of Real Estate Commissioner of the State of California, acting in his official capacity.
2. On December 15, 1998, Respondent submitted an application to the Department of Real Estate ("the Department") for a real estate salesperson's license. The application was denied and this matter ensued.
3. On July 8, 1976, in the Superior Court of California, County of Los Angeles, in case number A 073 802, Respondent was convicted, after a jury trial, of violations of Penal Code Sections 148 (resisting peace officers in the discharge of their duties), 242 (battery) and 243 (battery against a police officer), misdemeanors, which do not involve moral turpitude and which are not

substantially related to the qualifications, functions and duties of a real estate licensee. Imposition of sentence was stayed and Respondent was sentenced to serve six (6) months in county jail and placed on five (5) years probation. Subsequently, the trial judge released Respondent after serving approximately two (2) months in jail.

4. The facts and circumstances underlying the conviction were that in December 1975, Respondent was at a friend's house attending a rosary with a group of other people. Respondent heard a disturbance going on outside the home and went outside to see what was happening. He observed one of his friends being beaten by a police officer. Respondent attempted to intervene, but to no avail. Subsequently, several more people came out of the house and a melee broke out between the police officers and the mourners. There were approximately twenty-six police officers present and ultimately twelve mourners were beaten and arrested for battery against a police officer.

5. The case generated substantial political interest and an organization called the Santa Monica Defense Committee was formed to raise funds for the defense. All but one of the defendants were Mexican-American. Nine (9) of the defendants ultimately accepted a plea bargain of misdemeanor disturbing the peace. Three (3), including Respondent, decided to fight the charges. Although Respondent had been accepted to Hastings Law School, but he chose not to go because he wanted to put his energy into fighting the case. Ultimately, the jury convicted Respondent of the charges.

6. On June 8, 1989, in the Superior Court of California, County of Los Angeles, Angeles, West District, in case number A 739533, Respondent was convicted of violation of Health and Safety Code Section 11351 (possession of cocaine for sale), a felony involving moral turpitude, which is substantially related to the qualifications, functions and duties of a real estate licensee. Sentence was suspended, and Respondent was sentenced to one hundred and eighty (180) days in county jail, three (3) years probation, and fines totaling \$1,100.00. Respondent spent three (3) months in jail and then was released to a work release program.

7. The facts and circumstances underlying the conviction were that in 1985, Respondent was living with a roommate who was a heavy cocaine user. Although Respondent admits he also used cocaine at the time, he denies selling it. The police raided Respondent's house when no one was home and seized approximately an ounce of cocaine with a street value of approximately \$600.00. After the raid, Respondent's roommate disappeared, and was never charged.

8. On February 16, 1999, in the Municipal Court of the State of California, County of Los Angeles, Culver Judicial District, in case number 6CU01093, Respondent was convicted, on his plea of guilty, of one (1) count of Penal Code Section 484(a) (theft of property), a misdemeanor involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee. Imposition of sentence was suspended, Respondent was ordered to pay a fine in the amount of \$505.00 and was placed on probation for one (1) day.

9. The facts and circumstances underlying the conviction were that on May 30, 1996, Respondent went to Home Base Store to return a defective toilet which he had purchased for a house he was remodeling. (Respondent is currently in the construction business.) At the time, Respondent was spending approximately \$3,000.00 to \$4,000.00 a month for construction materials at Home Base. When Respondent returned the toilet, he asked the store manager to give him a discount because Respondent felt he should be compensated for his lost time in installing and removing the defective toilet. The manager refused to compensate Respondent in any way. Respondent became extremely angry. On his way out of the store, he shoplifted a \$5.00 saw blade. Subsequently, Respondent was given a citation, however, he forgot to pay it and a bench warrant was issued for his arrest. The matter was brought to his attention in February 1999, after he applied for a real estate license. He immediately appeared in court, and was sentenced as set forth above, and paid his fine that day.

10. Respondent has paid all of the court imposed fines associated with his three (3) convictions. He has successfully completed his probation and is no longer under the supervision of any court.

11. In 1985, Respondent went to Mexico to "clean himself up" and get away from the people with whom he had associated when he used cocaine. He stayed in Mexico for approximately four (4) to five (5) months. He has not used cocaine since 1985. When he returned to the United States, he no longer associated with any of the people with whom he used drugs.

12. Respondent is married, and in 1992, his wife and he adopted a child. Respondent's son is now six (6) years old. Respondent has coached his son's T-ball team since his son was three (3) years old.

13. Respondent holds two bachelor degrees from California State University, Northridge, one in Sociology and one in Latin American Studies. He received his Masters degree in social work from the University of California in 1981. He obtained his contractor's license in 1982 or 1983.

14. From 1978 to 1980, Respondent was the Program Director of the Speedy Program for the Seven Step Foundation in Van Nuys, and he served as Program Director for the Center for the Study of Drug Abuse. From 1979 through 1980, Respondent worked as a community organizing intern and an administrative intern for two different mental health programs. In 1986, along with his mother and his two brothers, Respondent formed Beltran Construction Company. The company develops residential and commercial property and provides general contracting and subcontracting services to contractors and owners/builders.

15. Respondent belongs to the Church of the Canyons, a Christian church in Canyon Country. He and his son belong to the Awanas, a church club that teaches children the Bible, American values. Respondent also runs a homework clinic.

16. Respondent has been offered a job by Mark Jenkins of Prudential Real Estate Company if he is awarded his license.

17. Respondent is genuinely remorseful about his convictions and credibly testified that he truly believes himself to be rehabilitated. His assault conviction occurred over twenty-three (23) years ago, the cocaine conviction is over ten (10) years old, and the theft conviction although occurring recently, relates to conduct which occurred over two (2) years ago.

LEGAL CONCLUSIONS

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

1. Cause does not exist for the denial of Respondent's application for his 1976 conviction pursuant to Business and Professions Code sections 480 and 10177(b) as set forth in Findings 3 and 4, as the conviction is remote in time, and does not involve moral turpitude as Respondent believed he was acting in the defense of his friend and in self-defense. The crime is not substantially related to the qualifications, functions and duties of a licensee since Respondent's acts in his friend's defense do not demonstrate a general predilection toward violence.

2. Cause exists for denial of Respondent's application for his conviction of crimes pursuant to Business and Professions Code Sections 480 and 10177(b) as set forth in Findings 6 through 9.

3. Rehabilitation is properly measured by the Department's own criteria of rehabilitation as set forth in Title 10, Code of California Regulations, Section 2911. Of the thirteen (13) criteria set forth by the Department, Respondent has satisfied a majority of those applicable to him. More than two (2) years have passed since the most recent criminal act of Respondent. (Criteria A) Respondent has completed making restitution. (Criteria B) Respondent has successfully completed probation. (Criteria D) Respondent has paid all fines imposed on him in connection with his convictions. (Criteria F) Respondent has a stable family life and is fulfilling his parental and familial responsibilities. (Criteria G) Respondent has completed substantial formal education for economic self-improvement. (Criteria H) Respondent has formed new social relationships than those which existed at the time of his misconduct. (Criteria L) Respondent has changed his attitude from that which existed at the time of the misconduct. (Criteria M) Respondent has abstained from the use of controlled substances for more than two (2) years. (Criteria E)

4. Respondent engaged in two separate and distinct acts of criminal conduct which are substantially related to the qualifications, functions and duties of a licensee. However, the law looks with favor upon the regeneration of erring licensees. (See, In the Matter of McCray (Review Department 1991) 1 Cal. State Bar Ct. Rptr. 373). Since the incident in 1985, Respondent has stopped using cocaine. His act of theft was the product of his anger and he acknowledges its

stupidity. Given appropriate supervision, Respondent deserves an opportunity to move on with his life. The public interest will not be adversely affected by his being able to do so.

ORDER

WHEREFORE, THE FOLLOWING ORDER IS HEREBY MADE:

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the 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 said Code:

A. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

1. The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
2. The receipt of evidence 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 this restricted license.

B. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent.


C. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

1. That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
2. That the employing broker will carefully review all transaction documents prepared by the restricted

licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

D. Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code to wit: Respondent shall, within eighteen (18) months of the issuance of said license, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

DATED: July 6, 1999


ERICA TABACHNICK
Administrative Law Judge-Pro Tem
Office of Administrative Hearings

FILED
AUG 16 1999
DEPARTMENT OF REAL ESTATE

By [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
CARLOS LOPEZ BELTRAN,) NO. H-28062 LA
Respondent.) L-1999040116

NOTICE

TO: CARLOS LOPEZ BELTRAN, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 6, 1999, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 6, 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 June 25, 1999, and any written argument hereafter submitted on behalf of respondent and complainant.

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Written argument of respondent to be considered by me must be submitted within fifteen (15) days after receipt of the transcript of the proceedings of June 25, 1999, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of complainant to be considered by me must be submitted within fifteen (15) days after receipt of the argument of respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: July 27, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

IN THE MATTER OF THE)	Case No. H-28062 LA
APPLICATION OF:)	
)	
CARLOS LOPEZ BELTRAN,)	OAH No. L-1999040116
)	
Respondent.)	
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PROPOSED DECISION

On June 25, 1999, in Los Angeles, California, Erica Tabachnick, Administrative Law Judge-Pro Tem, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady, was represented by Chris Leong, Staff Counsel.

Respondent, Carlos Lopez Beltran ("Respondent") was present and represented himself.

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

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Statement of Issues was made by Thomas McCrady, Complainant, who is a Department of Real Estate Commissioner of the State of California, acting in his official capacity.
2. On December 15, 1998, Respondent submitted an application to the Department of Real Estate ("the Department") for a real estate salesperson's license. The application was denied and this matter ensued.
3. On July 8, 1976, in the Superior Court of California, County of Los Angeles, in case number A 073 802, Respondent was convicted, after a jury trial, of violations of Penal Code Sections 148 (resisting peace officers in the discharge of their duties), 242 (battery) and 243 (battery against a police officer), misdemeanors, which do not involve moral turpitude and which are not

substantially related to the qualifications, functions and duties of a real estate licensee. Imposition of sentence was stayed and Respondent was sentenced to serve six (6) months in county jail and placed on five (5) years probation. Subsequently, the trial judge released Respondent after serving approximately two (2) months in jail.

4. The facts and circumstances underlying the conviction were that in December 1975, Respondent was at a friend's house attending a rosary with a group of other people. Respondent heard a disturbance going on outside the home and went outside to see what was happening. He observed one of his friends being beaten by a police officer. Respondent attempted to intervene, but to no avail. Subsequently, several more people came out of the house and a melee broke out between the police officers and the mourners. There were approximately twenty-six police officers present and ultimately twelve mourners were beaten and arrested for battery against a police officer.

5. The case generated substantial political interest and an organization called the Santa Monica Defense Committee was formed to raise funds for the defense. All but one of the defendants were Mexican-American. Nine (9) of the defendants ultimately accepted a plea bargain of misdemeanor disturbing the peace. Three (3), including Respondent, decided to fight the charges. Although Respondent had been accepted to Hastings Law School, but he chose not to go because he wanted to put his energy into fighting the case. Ultimately, the jury convicted Respondent of the charges.

6. On June 8, 1989, in the Superior Court of California, County of Los Angeles, Angeles, West District, in case number A 739533, Respondent was convicted of violation of Health and Safety Code Section 11351 (possession of cocaine for sale), a felony involving moral turpitude, which is substantially related to the qualifications, functions and duties of a real estate licensee. Sentence was suspended, and Respondent was sentenced to one hundred and eighty (180) days in county jail, three (3) years probation, and fines totaling \$1,100.00. Respondent spent three (3) months in jail and then was released to a work release program.

7. The facts and circumstances underlying the conviction were that in 1985, Respondent was living with a roommate who was a heavy cocaine user. Although Respondent admits he also used cocaine at the time, he denies selling it. The police raided Respondent's house when no one was home and seized approximately an ounce of cocaine with a street value of approximately \$600.00. After the raid, Respondent's roommate disappeared, and was never charged.

8. On February 16, 1999, in the Municipal Court of the State of California, County of Los Angeles, Culver Judicial District, in case number 6CU01093, Respondent was convicted, on his plea of guilty, of one (1) count of Penal Code Section 484(a) (theft of property), a misdemeanor involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee. Imposition of sentence was suspended, Respondent was ordered to pay a fine in the amount of \$505.00 and was placed on probation for one (1) day.

9. The facts and circumstances underlying the conviction were that on May 30, 1996, Respondent went to Home Base Store to return a defective toilet which he had purchased for a house he was remodeling. (Respondent is currently in the construction business.) At the time, Respondent was spending approximately \$3,000.00 to \$4,000.00 a month for construction materials at Home Base. When Respondent returned the toilet, he asked the store manager to give him a discount because Respondent felt he should be compensated for his lost time in installing and removing the defective toilet. The manager refused to compensate Respondent in any way. Respondent became extremely angry. On his way out of the store, he shoplifted a \$5.00 saw blade. Subsequently, Respondent was given a citation, however, he forgot to pay it and a bench warrant was issued for his arrest. The matter was brought to his attention in February 1999, after he applied for a real estate license. He immediately appeared in court, and was sentenced as set forth above, and paid his fine that day.

10. Respondent has paid all of the court imposed fines associated with his three (3) convictions. He has successfully completed his probation and is no longer under the supervision of any court.

11. In 1985, Respondent went to Mexico to "clean himself up" and get away from the people with whom he had associated when he used cocaine. He stayed in Mexico for approximately four (4) to five (5) months. He has not used cocaine since 1985. When he returned to the United States, he no longer associated with any of the people with whom he used drugs.

12. Respondent is married, and in 1992, his wife and he adopted a child. Respondent's son is now six (6) years old. Respondent has coached his son's T-ball team since his son was three (3) years old.

13. Respondent holds two bachelor degrees from California State University, Northridge, one in Sociology and one in Latin American Studies. He received his Masters degree in social work from the University of California in 1981. He obtained his contractor's license in 1982 or 1983.

14. From 1978 to 1980, Respondent was the Program Director of the Speedy Program for the Seven Step Foundation in Van Nuys, and he served as Program Director for the Center for the Study of Drug Abuse. From 1979 through 1980, Respondent worked as a community organizing intern and an administrative intern for two different mental health programs. In 1986, along with his mother and his two brothers, Respondent formed Beltran Construction Company. The company develops residential and commercial property and provides general contracting and subcontracting services to contractors and owners/builders.

15. Respondent belongs to the Church of the Canyons, a Christian church in Canyon Country. He and his son belong to the Awanas, a church club that teaches children the Bible, American values. Respondent also runs a homework clinic.

16. Respondent has been offered a job by Mark Jenkins of Prudential Real Estate Company if he is awarded his license.

17. Respondent is genuinely remorseful about his convictions and credibly testified that he truly believes himself to be rehabilitated. His assault conviction occurred over twenty-three (23) years ago, the cocaine conviction is over ten (10) years old, and the theft conviction although occurring recently, relates to conduct which occurred over two (2) years ago.

LEGAL CONCLUSIONS

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

1. Cause does not exist for the denial of Respondent's application for his 1976 conviction pursuant to Business and Professions Code sections 480 and 10177(b) as set forth in Findings 3 and 4, as the conviction is remote in time, and does not involve moral turpitude as Respondent believed he was acting in the defense of his friend and in self-defense. The crime is not substantially related to the qualifications, functions and duties of a licensee since Respondent's acts in his friend's defense do not demonstrate a general predilection toward violence.

2. Cause exists for denial of Respondent's application for his conviction of crimes pursuant to Business and Professions Code Sections 480 and 10177(b) as set forth in Findings 6 through 9.

3. Rehabilitation is properly measured by the Department's own criteria of rehabilitation as set forth in Title 10, Code of California Regulations, Section 2911. Of the thirteen (13) criteria set forth by the Department, Respondent has satisfied a majority of those applicable to him. More than two (2) years have passed since the most recent criminal act of Respondent. (Criteria A) Respondent has completed making restitution. (Criteria B) Respondent has successfully completed probation. (Criteria D) Respondent has paid all fines imposed on him in connection with his convictions. (Criteria F) Respondent has a stable family life and is fulfilling his parental and familial responsibilities. (Criteria G) Respondent has completed substantial formal education for economic self-improvement. (Criteria H) Respondent has formed new social relationships than those which existed at the time of his misconduct. (Criteria L) Respondent has changed his attitude from that which existed at the time of the misconduct. (Criteria M) Respondent has abstained from the use of controlled substances for more than two (2) years. (Criteria E)

4. Respondent engaged in two separate and distinct acts of criminal conduct which are substantially related to the qualifications, functions and duties of a licensee. However, the law looks with favor upon the regeneration of erring licensees. (See, In the Matter of McCray (Review Department 1991) 1 Cal. State Bar Ct. Rptr. 373). Since the incident in 1985, Respondent has stopped using cocaine. His act of theft was the product of his anger and he acknowledges its

stupidity. Given appropriate supervision, Respondent deserves an opportunity to move on with his life. The public interest will not be adversely affected by his being able to do so.

ORDER

WHEREFORE, THE FOLLOWING ORDER IS HEREBY MADE:

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the 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 said Code:

A. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

1. The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
2. The receipt of evidence 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 this restricted license.

B. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent.

C. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:


1. That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
2. That the employing broker will carefully review all transaction documents prepared by the restricted

licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

not adopted

D. Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code to wit: Respondent shall, within eighteen (18) months of the issuance of said license, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

DATED: July 6, 1999


ERICA TABACHNICK
Administrative Law Judge-Pro Tem
Office of Administrative Hearings

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-28062 LA

CARLOS LOPEZ BELTRAN,

) OAH No. L-1999040116

Respondent(s)

FILE
MAY - 6 1999

AMENDED NOTICE OF HEARING ON APPLICATION DEPARTMENT OF REAL ESTATE

To the above-named Respondent(s):

By C. Leong

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, CA 90013-1105 on FRIDAY, JUNE 25, 1999, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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: May 6, 1999

By Chris Leong
CHRIS LEONG, Counsel

cc: Carlos Lopez Beltran
Prudential Success Realty/Marie Jenkins
✓Sacto.
OAH

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-28062 LA
)
 CARLOS LOPEZ BELTRAN,) OAH No. L-1999040116
)
 _____)
 Respondent(s)

FILED
APR 19 1999
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By C. Leong

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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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

DEPARTMENT OF REAL ESTATE

Dated: April 19, 1999

By

CHRIS LEONG

CHRIS LEONG, Counsel

cc: Carlos Lopez Beltran
Prudential Success Realty/Marie Jenkins
✓ Sacto.
OAH

CEB

RE 501 (LA Mac 11/92)

1 CHRIS LEONG, Counsel
2 State Bar Number 141079
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012

6 (213) 897-3937

FILED
MAR 16 1999
DEPARTMENT OF REAL ESTATE

By *[Signature]*

7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 CARLOS LOPEZ BELTRAN,) NO. H-28062 LA
14 Respondent.) STATEMENT OF ISSUES

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against CARLOS LOPEZ BELTRAN (hereinafter "Respondent"), alleges
18 as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a conditional real estate
22 salesperson license on or about December 18, 1998. This license
23 was to be subject to Section 10153.4 of the Business and
24 Professions Code.

25 II

26 Complainant, Thomas McCrady, a Deputy Real Estate
27 Commissioner of the State of California, makes this Statement of

1 Issues in his official capacity.

2 III

3 On or about February 16, 1999, in the Municipal
4 Court of Culver Judicial District, County of Los Angeles, State
5 of California, Respondent was convicted of violating Penal Code
6 (hereinafter "PC") Section 484(a) (Misd theft of property), a
7 crime involving moral turpitude which is substantially related
8 under Section 2910, Title 10, Chapter 6, California Code of
9 Regulations, to the qualifications, functions or duties of a
10 real estate licensee.

11 IV

12 On or about June 8, 1989, in the Superior Court of
13 California, County of Los Angeles, West District, Respondent
14 was convicted of violating Health and Safety Code Section
15 Section 11351 (Poss/sale cocaine), a crime involving moral
16 turpitude which is substantially related under Section 2910,
17 Title 10, Chapter 6, California Code of Regulations, to the
18 qualifications, functions or duties of a real estate licensee.

19 V

20 On or about July 8, 1976, in the Superior Court of
21 California, County of Los Angeles, Respondent was convicted of
22 violating PC Section 148/242 and 243 (Assault and battery
23 against a police officer), a crime involving moral turpitude
24 which is substantially related under Section 2910, Title 10,
25 Chapter 6, California Code of Regulations, to the
26 qualifications, functions or duties of a real estate licensee.

27 /////



1
2 The crimes of which Respondent was convicted, as
3 alleged above in Paragraphs III through VI, are cause for the
4 denial of Respondent's application for a real estate license
5 under Sections 480(a)(1) and 10177(b) of the California
6 Business and Professions Code.

7 WHEREFORE, the Complainant prays that the above-
8 entitled matter be set for hearing and, upon proof of the
9 charges contained herein, that the Commissioner refuse to
10 authorize the issuance of, and deny the issuance of, a real
11 estate salesperson license to Respondent, and for such other and
12 further relief as may be proper in the premises.

13 Dated at Los Angeles, California
14 this 16th day of March, 1999.

15
16 THOMAS McCRADY

Deputy Real Estate Commissioner

17
18
19
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21
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23
24 cc: Carlos Lopez Beltran
25 Thomas McCrady
26 Sacto.
JM
27

