

*Handwritten initials/signature*

**FILED**  
APR - 6 2001  
DEPARTMENT OF REAL ESTATE

By *K. Stuberholt*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Application of )	DRE No. H-28358 LA
)	)
)	OAH No. L-2000020522
ANDY ESPINEIRA,	)
)	)
Respondent.	)
)	)
)	)

ORDER DENYING RECONSIDERATION

On January 29, 2001, a Decision was rendered in the above-entitled matter. The Decision was to become effective at 12 o'clock noon on February 28, 2001.

Orders Staying Effective Date were issued staying the effective date for a period of forty (40) days until 12 o'clock noon on April 9, 2001.

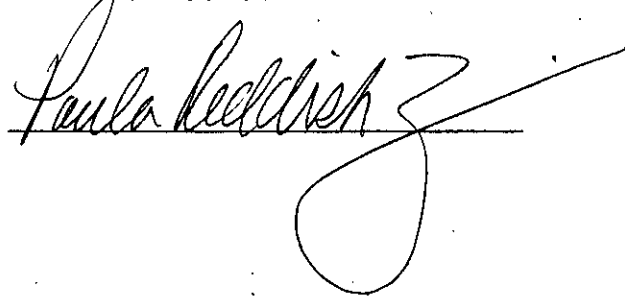
On February 20, 2001, respondent petitioned for reconsideration of the Decision of January 29, 2001, and submitted argument in support of his petition for reconsideration on March 22, 2001.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I have given due consideration to the petition of  
respondent. I find no good cause to reconsider the Decision of  
January 29, 2001, and reconsideration is hereby denied.

IT IS SO ORDERED April 5, 2001

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

A handwritten signature in cursive script, reading "Paula Reddish Zinnemann", is written over a horizontal line. The signature is fluid and extends above and below the line.

*Facts Day*

**FILED**  
MAR 26 2001  
DEPARTMENT OF REAL ESTATE

By *Laura B. Stone*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	
ANDY ESPINEIRA, )	H-28358 LA
Respondent. )	

ORDER STAYING EFFECTIVE DATE

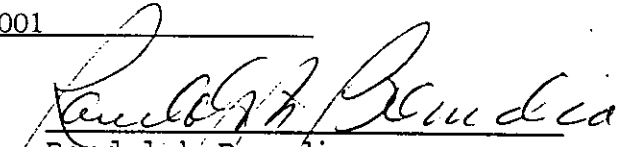
On January 29, 2001, a Decision was rendered in the above-entitled matter to become effective February 28, 2001. On February 22, 2001, an ORDER STAYING EFFECTIVE DATE stayed the effective date of February 28, 2001, for 30 days, staying the effective date until March 30, 2001.

IT IS HEREBY ORDERED that the effective date of the Decision of January 29, 2001, is stayed for a period of 10 days.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

The Decision of January 29, 2001, shall become effective at 12 o'clock noon on April 9, 2001.

DATED March 26, 2001

  
Randolph Brendia  
Regional Manager

*Sect. 10  
Jan*

**FILED**  
FEB 23 2001  
DEPARTMENT OF REAL ESTATE

By *Laura B. Aron*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of	)	
ANDY ESPINEIRA,	)	H-28358 LA
	)	L-2000020522
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On January 29, 2001, a Decision After Rejection was rendered in the above-entitled matter to become effective February 28, 2001.

IT IS HEREBY ORDERED that the effective date of the Decision of January 29, 2001, is stayed for a period of 30 days.

The Decision of January 29, 2001, shall become effective at 12 o'clock noon on March 30, 2001.

DATED 2-22-01

*Randolph Brendia*  
Randolph Brendia  
Regional Manager

*Sacto  
Hwy*

**FILED**  
FEB 8 2001  
DEPARTMENT OF REAL ESTATE

By *Laura B. Crow*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-28358 LA
ANDY ESPINEIRA,	)	OAH No. L-2000020522
	)	
Respondent.	)	

DECISION AFTER REJECTION

The matter came on for hearing before H. Stuart Waxman, Administrative Law Judge, of the Office of Administrative Hearings, in Los Angeles, California, on June 15, 2000.

Elliott Mac Lennan, Counsel, represented the Complainant. Respondent was present and was represented by Frank Buda, Esq.

Evidence was received, the hearing was closed, and the matter was submitted.

On July 3, 2000, 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

1 the State of California, Respondent was served with notice of my  
2 determination not to adopt the Proposed Decision of the  
3 Administrative Law Judge along with a copy of said Proposed  
4 Decision. On September 29, 2000, Respondent was notified that  
5 the case would be decided by me upon the record, the transcript  
6 of proceedings held on June 15, 2000, and upon written argument  
7 offered by Respondent, which has been received.

8 I have given careful consideration to the record in  
9 this case, including the transcript of the proceedings of  
10 June 15, 2000.

11 After further consideration of the matter, the  
12 following shall constitute the Decision of the Real Estate  
13 Commissioner in the above-entitled matter:

14 FACTUAL FINDINGS

15 The Findings of Fact set forth in the Proposed Decision  
16 dated July 3, 2000, of the Administrative Law Judge are adopted  
17 as the Findings of Fact of the Real Estate Commissioner.

18 LEGAL CONCLUSIONS

19 The Legal Conclusions of the Proposed Decision are not  
20 adopted. In their place the following Legal Conclusions are  
21 made.

22 Respondent has made considerable efforts towards  
23 rehabilitation since his convictions. Nevertheless, the  
24 convictions which are the basis for this matter are relatively  
25 recent, and are of a very serious nature. The maintenance and  
26 operation of an automobile "chop shop" involves active  
27 participation in the theft of automobiles and automobile parts in

1 disregard for the rights and interests of others, and as such, is  
2 a crime involving dishonesty and reflects adversely on  
3 trustworthiness. The crime of possessing drugs for sale and the  
4 fact that in connection therewith respondent was willingly  
5 allowing his own premises to be used to store drugs for sale also  
6 reflects negatively on his overall values for honesty and  
7 trustworthiness. Additionally it is noted that respondent  
8 remains on probation. This indicates that his rehabilitation is  
9 not complete. For the foregoing reasons and contrary to the  
10 determination of the administrative law judge who heard this  
11 matter, it is my determination that respondent has not sustained  
12 his burden that he can be licensed at this time without harm to  
13 the public. It is my determination that it would not be in the  
14 public's interest to issue any type of real estate license to  
15 respondent until additional time has passed in which to more  
16 fully and completely measure his rehabilitation. As such cause  
17 exists for the denial of respondent's application pursuant to  
18 Business and Professions Code Section 480(a) and Section 10177(b)  
19 of the Business and Professions Code.

20 ORDER

21 Respondent's application for a real estate salesperson  
22 license is denied. There is no statutory restriction on when  
23 application may again be made for this license. If and when  
24 application is again made for the license, all competent evidence  
25 of rehabilitation presented by respondent will be considered by  
26 the Real Estate Commissioner. A copy of the Commissioner's

27 ///

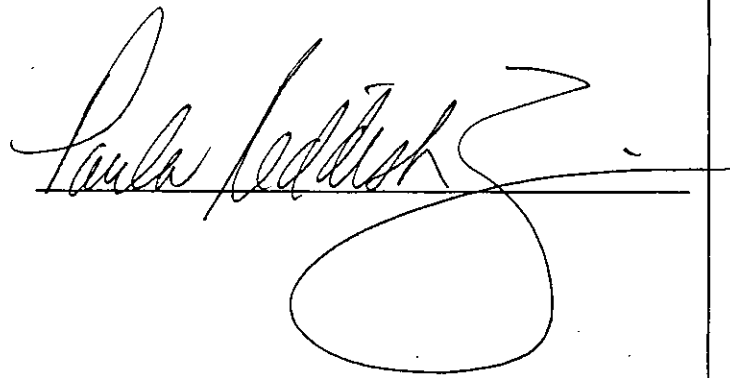


1 Criteria of Rehabilitation is appended hereto for the information  
2 of respondent.

3 This Decision shall become effective at 12 o'clock noon  
4 on February 28, 2001.

5 IT IS SO ORDERED January 29, 2001.

6  
7 PAULA REDDISH ZINNEMANN  
8 Real Estate Commissioner

9  
10   
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

*Justo*

**FILED**  
SEP 29 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Rom

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-28358 LA
ANDY ESPINEIRA,	)	L-2000020522
	)	
Respondent.	)	
	)	
	)	
	)	

NOTICE

TO: ANDY ESPINEIRA, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 3, 2000, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 3, 2000, 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 15,

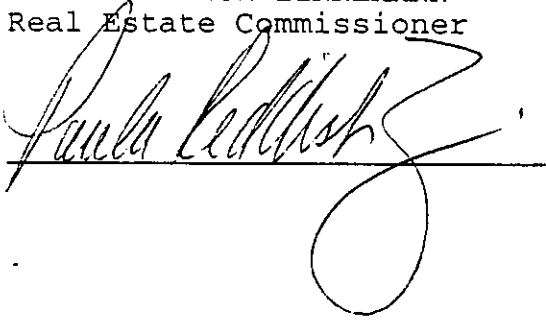
1 2000, and any written argument hereafter submitted on behalf of  
2 respondent and complainant.

3           Written argument of respondent to be considered by me  
4 must be submitted within 15 days after receipt of the transcript  
5 of the proceedings of June 15, 2000, at the Los Angeles office of  
6 the Department of Real Estate unless an extension of the time is  
7 granted for good cause shown.

8           Written argument of complainant to be considered by me  
9 must be submitted within 15 days after receipt of the argument of  
10 respondent at the Los Angeles Office of the Department of Real  
11 Estate unless an extension of the time is granted for good cause  
12 shown.

13           DATED: September 19, 2000.

15           PAULA REDDISH ZINNEMANN  
16           Real Estate Commissioner

17             
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
AUG 18 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Oum

In the Matter of the Application of  
**ANDY ESPINEIRA,**  
  
Respondent.

Case No. H-28358 LA

OAH No. L2000020522

**PROPOSED DECISION**

On June 15, 2000, in Los Angeles, California, H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady, was represented by Elliott Mac Lennan, Staff Counsel.

Respondent, Andy Espineira ("Respondent"), was represented by Frank M. Buda, Attorney at Law.

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 Deputy Real Estate Commissioner of the State of California, acting in his official capacity.
2. On or about April 20, 1999, Respondent submitted an application to the Department of Real Estate ("the Department") for a real estate salesperson license. The application was denied and this matter ensued.

3. On January 22, 1998, in Superior Court of California, County of Los Angeles, in Case No. VA043330, Respondent was convicted, on his plea of nolo contendere, of violation of Vehicle Code section 10801 (owning/operating a "chop shop") and Health and Safety Code section 11378 (possession of a controlled substance for sale), both felonies involving moral turpitude, and crimes substantially related to the qualifications, functions and duties of a real estate salesperson.

4. Respondent was sentenced to 365 days in Los Angeles County Jail less credit for 2 days<sup>1</sup> and was placed on formal probation for a period of three (3) years. Among the terms and conditions of his probation were that he pay lab analysis fees and restitution to the Restitution Fund, totaling \$600; pay restitution through his probation officer in the sum of \$1672; not drink any alcoholic beverage and stay out of places where they are the chief item of sale; not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia absent a valid prescription, and stay away from places where users, buyers or sellers congregate except in an authorized drug counseling program; not associate with narcotic or drug users or sellers; submit to anti-narcotic tests; seek and maintain training, schooling or employment; not drive a motor vehicle unless lawfully licensed and insured; and not own, use or possess any dangerous or deadly weapons.

5. Respondent committed the crimes underlying the conviction in June of 1997 at a time when he was abusing drugs and was experiencing difficulties in his young marriage. He was operating an axle rebuilding shop. He accepted an offer of \$500 to allow an individual to use his shop to dismantle a vehicle. In addition, he permitted the individuals on the property next door to his shop to store methamphetamines in his shop in exchange for free methamphetamines.

///

///

///

///

///

///

///

---

<sup>1</sup> In lieu of the full 363 days, Respondent was permitted to serve 30 days in the jail and seven (7) months under house arrest. During that seven months, he could leave his home only to go to and from his place of employment.

6. Immediately following his arrest, Respondent sought help for his drug dependency by checking himself into Oasis Treatment Center, a live-in drug rehabilitation facility. He received both personal treatment in individual and group settings, and family and marriage counseling. (Although they were experiencing other marital difficulties, until his arrest, Respondent's wife had been unaware of his drug use and other illegal activity.) Respondent learned how to stop using drugs, saved his marriage, and eventually began reaching out to other residents of the facility. His participation in the program was completely voluntary and was not court-ordered. (In fact, he had not yet been sentenced at the time he entered the facility.) He also voluntarily began attending Alcoholics Anonymous meetings, something he continues to do today even though his attendance at the meetings is not a term or condition of his probation. Respondent remained at Oasis Treatment Center approximately seven months, leaving only when required to do so in order to serve his court-ordered jail time. He went directly from the facility to Los Angeles County Jail. Respondent sincerely believes his life changed at Oasis Treatment Center. The evidence supports that belief.

7. As part of his sentence, Respondent was required to participate in a drug recovery program at Acton Rehabilitation Center. While at the facility, he attended Alcoholics Anonymous, Cocaine Anonymous and Narcotics Anonymous meetings. He successfully completed the program.

8. Respondent is 29-years-old and has been married 3 ½ years. He has changed his life dramatically since his arrest. He is drug and alcohol free. He no longer associates with those who were selling drugs or dismantling vehicles, and he has developed new friends. He has saved his marriage through counseling and now has a very good relationship with his wife. Albeit initially angry over his arrest, Respondent's wife now considers Respondent to be her "best friend", a kind person with a "strong head on his shoulders", who is striving to make a good life for himself and his wife. Respondent is an honest person who has greatly improved his attitude about life in general. He is sincerely remorseful for his criminal acts and the deleterious effects they had on his family. He has new and appropriate goals, primarily relating to a career in real estate. He is convinced he will not re-offend.

9. Respondent is scheduled to complete probation in approximately six months. He is in full compliance with the terms and conditions of his probation and has not been guilty of any violations. He sees his probation officer once per month and submits to random drug testing. That testing has not revealed any positive results.

///

///

///

10. Respondent maintains a close relationship with his extended family as well as with his wife. He has grown closer to his mother and father since his arrest. He spends a great deal of time with his parents and his in-laws, something he did not do before his arrest. In a showing of support, Respondent's wife, parents and in-laws accompanied him to Oasis Treatment Center on the day he checked himself in. His family continues to support him today.

11. Respondent has worked in the mortgage lending industry since October or November of 1998. He began as a loan processor at Western Home Mortgage in Irvine and was shortly thereafter promoted to oversee new hires. Since October of 1999, he has worked as a loan agent for American Home loans in Mission Viejo. He has been successful in both positions and has received glowing recommendations from his employers, both of whom are aware of his convictions.

12. Respondent's next door neighbor has been a real estate broker since the 1980's. Five real estate salespersons presently work under her license. She has known Respondent for approximately five years and is aware of his convictions. She believes Respondent has completely changed his life since his arrest and is now very honest and trustworthy. She is prepared to hire and supervise Respondent as a real estate salesperson if he is granted a restricted license.

13. Respondent has taken the real estate principles course and has passed the state real estate examination. He is extremely motivated to obtain his salesperson license in order to take advantage of the many opportunities available in the industry and to make a better life for himself and his family.

### LEGAL CONCLUSIONS

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

1. Cause exists for the denial of Respondent's application pursuant to Business and Professions Code section 480(a), as that section interacts with section 10177(b), for conviction of a crime, as set forth in Findings 3, 4 and 5.

Respondent has made extraordinary strides toward rehabilitation since his arrest in June of 1997. He began that rehabilitation before his conviction, choosing to immediately admit himself into an inpatient drug recovery program where he voluntarily remained for seven months until he was incarcerated in compliance with his sentence.

///

Although he is still on probation and is scheduled to remain so for another approximately six months, Respondent has satisfied the vast majority of the Department's applicable rehabilitation criteria, set forth in Title 10, California Code of Regulations, section 2911. For example, more than two years have elapsed since his conviction [subdivision a)]. He has paid restitution [subdivision (b)]. He has abstained from the use of controlled substances and alcohol [subdivision (e)]. He has paid his fines [subdivision (f)]. He enjoys a stable family life [subdivision (g)]. He has engaged in vocational training in the mortgage lending and real estate industries [subdivision (h)]. He corrected his business practices [subdivision (j)]. He has developed different social and business relationships from those which existed at the time he committed his crimes [subdivision (l)], and he has changed his attitude significantly from that which existed in June of 1997 [subdivision (m)].

Respondent has demonstrated remarkable determination to change his life from one of crimes and drugs to one of success and respectability. He has achieved that goal to the extent he can short of licensure. He is drug and alcohol free and is a respected member of the business community. He enjoys the unwavering support of his immediate and extended family. He has proven himself to be committed to a clean, sober and law-abiding life through his efforts in two drug recovery programs, his continued involvement in Alcoholics Anonymous, his work in the mortgage lending industry and his devotion to his family. The public interest should not be adversely affected by granting Respondent a properly conditioned restricted salesperson license.

///

///

///

///

///

///

///

///

///

///

///



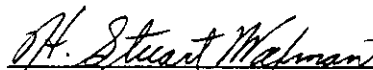


3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) 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.

DATED: July 3, 2000

  
H. STUART WAXMAN  
Administrative Law Judge  
Office of Administrative Hearings

NOT ADOPTED

Sacto  
Hart

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILE  
MAY 4 2000  
DEPARTMENT OF REAL ESTATE

\* \* \* \*

In the Matter of the Application of ) Case No. H-28358 LA By Jawa B. Cron  
) )  
ANDY ESPINEIRA, )  
) )  
Respondent(s) )

CORRECTED  
AMENDED NOTICE OF HEARING ON APPLICATION

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, 320 West Fourth Street Suite 630, Los Angeles, California, 90013-1105 on JUNE 15, 2000 at the hour of 10:00 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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MAY 4 2000

DEPARTMENT OF REAL ESTATE

By: Elliott MacLennan  
ELLIOTT MACLENNAN, Counsel

cc: Andy Espineira  
Sacto.  
OAH

*Sacto  
Plan*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
MAY 1 2000  
DEPARTMENT OF REAL ESTATE

\* \* \* \*

In the Matter of the Application of )

Case No. H-28358 BA Laura B. Stone  
L-2000020522

ANDY ESPINEIRA, )

Respondent(s) )

AMENDED NOTICE OF HEARING ON APPLICATION

*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, 2nd Floor, Los Angeles, California, JUNE 15, 2000 at the hour of 10:00 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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MAY 1 2000

DEPARTMENT OF REAL ESTATE

By: *Elliot MacLennan*  
ELLIOTT MACLENNAN, Counsel

cc: Andy Espineira  
Sacto.  
OAH

RE 500 (Mac 8/97 lbo)

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

In the Matter of the Application of) Case No. H-28358 LA  
ANDY ESPINEIRA, )  
OAH No. L-2000020522  
Respondent

**FILED**  
MAR 24 2000  
DEPARTMENT OF REAL ESTATE

**NOTICE OF CONTINUED HEARING ON APPLICATION**

To the above-named Respondent:

By [Signature]

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 WEDNESDAY, MAY 3, 2000, 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: March 24, 2000

By [Signature]  
ELLIOTT MAC LENNAN, Counsel

cc: Andy Espineira  
Western Home Mortgage Corporation  
Sacto.  
OAH

*Handwritten signature*

1 Elliott Mac Lennan, Counsel 66674  
2 Department of Real Estate  
320 W. 4<sup>th</sup> Street, CA 90113-1105

3 Telephone: (213) 576-6911  
4  
5  
6  
7

**FILED**  
JAN 19 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Ciona

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11	In the Matter of the Application of	)	No. H- 28358 LA
12	ANDY ESPINEIRA,	)	<u>STATEMENT OF ISSUES</u>
13		)	
14	Respondent.	)	
15	_____	)	

16 The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner  
17 of the State of California, for Statement of Issues against ANDY ESPINEIRA, is informed  
18 and alleges in his official capacity as follows:  
19

20 1

21 Respondent made application to the Department of Real Estate of the State  
22 of California for a real estate salesperson license on or about April 20, 1999, subject to  
23 Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California  
24 Business and Professions Code) (Code).  
25  
26 /  
27 /



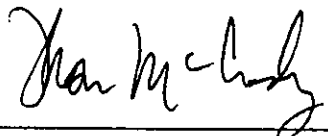
On January 22, 1998, in the Superior Court of California, County of Los Angeles, State of California, respondent was convicted upon a plea of nolo contendere to one count of violating Section 10801 of the California Vehicle Code (operate chop shop), and convicted upon a plea of nolo contendere to one count of violating Section 11378 of the California Welfare and Institutions Code (possession for sale of a controlled substance - methamphetamine), felony crimes that occurred on June 18, 1997. These crimes by their facts and circumstances involve moral turpitude and are 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.

The crimes, as alleged, above, constitute cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 111500 through 11528 of the Government Code of the State of California.

Dated at Los Angeles, California

This JAN 19 2000

  
 Deputy Real Estate Commissioner

Cc: Andy Espineira  
 Sacto  
 LK