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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28843 LA
JULIO R. CARRASCO,)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On September 14, 2001, a Decision was rendered herein revoking Respondent's real estate salesperson license.

On or about March 25, 2003, Respondent petitioned for reinstatement of said license. On September 14, 2004, an Order Denying Reinstatement of License was filed denying Respondent's petition for reinstatement, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license.

A restricted real estate salesperson license was issued to Respondent on November 19, 2004.

///

1 In truth and fact, on or about July 3, 1996,
2 Respondent was convicted of violating Penal Code Section
3 502.7(B)(1) (possessing a cloned phone with intent to use it to
4 avoid a lawful telephone charge and to conceal the existence,
5 place of origin and destination of a telephone message), a
6 misdemeanor. Said crime involves moral turpitude and is
7 substantially related to the qualifications, functions and
8 duties of a real estate salesperson.
9

10 II

11 The burden of proving rehabilitation rests with the
12 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
13 A petitioner is required to show greater proof of honesty and
14 integrity than an applicant for first time licensure. The proof
15 must be sufficient to overcome the prior adverse judgment on the
16 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
17 395).

18 The Department has developed criteria in Section 2911,
19 Title 10, Chapter 6, California Code of Regulations
20 ("Regulation"), to assist in evaluating the rehabilitation
21 of an applicant for reinstatement of a license. Among the
22 criteria relevant in this proceeding are:

23 2911(c) - Respondent has not provided proof that
24 Respondent's conviction has been expunged.
25

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1 2911(i) - Respondent has not provided proof of
2 completion of, or sustained enrollment in, formal educational
3 or vocational training courses for economic self-improvement.

4 2911(j) - Respondent has not provided proof that
5 Respondent had paid or made a bona fide effort to pay taxes
6 owed to the Internal Revenue Service.

7 2911(l) - Respondent has not provided proof of
8 significant or conscientious involvement in community, church
9 or social programs.

10 2911 (n) (2) - Respondent has not provided
11 proof from others of a change in attitude from that which
12 existed at the time of the conduct in question.

13
14 Given the fact that Respondent has not established
15 that Respondent has complied with Regulations 2911(c), 2911(i),
16 2911(j), 2911(l), and 2911(n) (2), I am not satisfied that
17 Respondent is sufficiently rehabilitated to receive a real
18 estate salesperson license.

19 NOW, THEREFORE, IT IS ORDERED that Respondent's
20 petition for reinstatement of Respondent's real estate
21 salesperson license is denied.

22 This Order shall become effective at 12 o'clock noon
23 MAY 19 2008
24 on _____.

25 DATED: _____

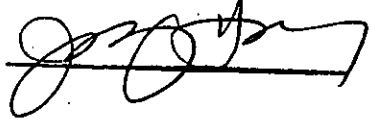
26 JEFF DAVIS
27 Real Estate Commissioner

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FILED
SEP 14 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28843 LA
JULIO R. CARRASCO,)	
Respondent.,)	

ORDER DENYING REINSTATEMENT OF LICENSE

On September 14, 2001, a Decision was rendered herein revoking Respondent's real estate salesperson license. On or about March 25, 2003, Respondent petitioned for reinstatement of his real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of the petition.

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1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate salesperson license,
6 in that:

8 I

9 In the Decision which revoked Respondent's real
10 estate license, there were Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Business and Professions Code ("Code") Section
13 10177(a) for failing to reveal a conviction on his license
14 application.

15 On July 3, 1996, Respondent was convicted of
16 violating Penal Code Section 502.7(B)(1) (possessing a cloned
17 phone with intent to use it to avoid a lawful telephone charge
18 and to conceal the existence, place of origin and destination
19 of a telephone message).

20 Said crime involved moral turpitude and is
21 substantially related to the functions, qualifications and
22 duties of a real estate licensee, pursuant to Section 2910,
23 Title 10, California Code of Regulations ("Regulations").

24 ///

25 ///

1 2911(1) - Significant or conscientious involvement
2 in community, church or social programs. Respondent has not
3 submitted proof of such involvement.

4 Given the fact that Respondent has not established
5 that she has complied with Regulations 2911(c), 2911(i) and
6 2911(1), I am not satisfied that Respondent is sufficiently
7 rehabilitated to receive a real estate salesperson license.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement of Respondent's real estate
10 salesperson license is denied.

11 I am satisfied, however, that it will not be against
12 the public interest to issue a restricted real estate
13 salesperson license to Respondent.

14 A restricted real estate salesperson license shall
15 be issued to Respondent pursuant to Code Section 10156.5
16 if Respondent within nine (9) months from the date hereof:

17 (a) makes application therefor and pays the
18 appropriate fee for said license.

19 (b) Submittal of evidence of having, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate
23 Law for renewal of a real estate license.

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1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Code Section 10156.7 and to
3 the following limitations, conditions and restrictions imposed
4 under authority of Code Section 10156.6:

5
6 1. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or plea
9 of nolo contendere to a crime which is substantially related
10 to Respondent's fitness or capacity as a real estate licensee.

11
12 2. The restricted license issued to Respondent
13 may be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real
16 Estate Law, the Subdivided Lands Law, Regulations of the Real
17 Estate Commissioner or conditions attaching to the restricted
18 license.

19
20 3. Respondent shall not be eligible to apply for
21 the issuance of an unrestricted real estate license nor for
22 the removal of any of the conditions, limitations or
23 restrictions of a restricted license until two (2) years
24 have elapsed from the effective date of this Decision.


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FILED
NOV 19 2001
DEPARTMENT OF REAL ESTATE
By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JULIO R. CARRASCO,)	No. H-28843 LA
Respondent.)	L-2000120292

ORDER DENYING RECONSIDERATION

On September 14, 2001, a Decision was rendered in the above-entitled matter. The Decision is to become effective on November 19, 2001.

On October 19, 2001, respondent petitioned for reconsideration of the Decision of September 14, 2001.

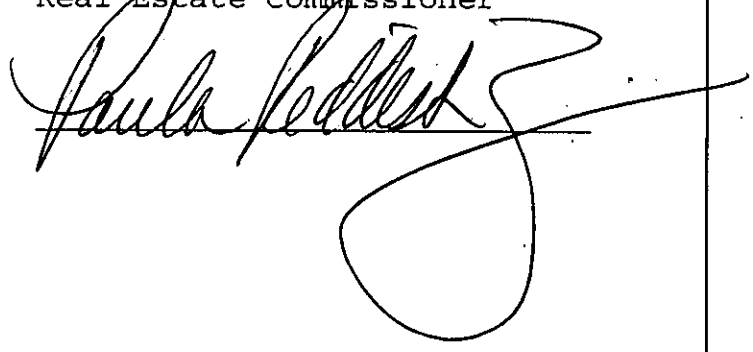
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I have given due consideration to the petition of respondent. I find no good cause to reconsider the Decision of September 14, 2001, and reconsideration is hereby denied.

IT IS SO ORDERED November 15, 2001.

PAULA REDDISH ZINNE MANN
Real Estate Commissioner



SACTO
1/10/01

FILED
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DEPARTMENT OF REAL ESTATE

By: *[Signature]*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-28843 LA
JULIO R. CARRASCO,)	L-2000120292
Respondent.)	<u>ORDER STAYING</u>
)	<u>EFFECTIVE DATE</u>

On September 14, 2001, a Decision was rendered in the above-entitled matter to become effective October 9, 2001. On October 5, 2001, the effective date of said Decision was stayed until November 8, 2001.

IT IS HEREBY ORDERED that the effective date of the Decision of September 14, 2001, is stayed for an additional period of 10 days.

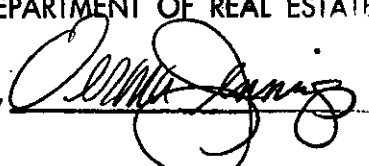
The Decision of September 14, 2001, shall become effective at 12 o'clock noon on November 19, 2001.

DATED: October 6, 2001. PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: *[Signature: Dolores Ramos]*
DOLORES RAMOS
Regional Manager

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FILED
OCT - 5 2001
DEPARTMENT OF REAL ESTATE
by 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-28843 LA
JULIO R. CARRASCO,)	L-2000120292
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On September 14, 2001, a Decision was rendered in the above-entitled matter to become effective October 9, 2001.

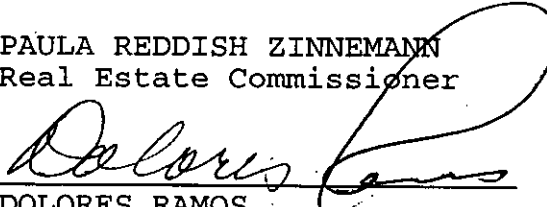
IT IS HEREBY ORDERED that the effective date of the Decision of September 14, 2001, is stayed for a period of 30 days.

The Decision of September 14, 2001, shall become effective at 12 o'clock noon on November 8, 2001.


DATED: October 5, 2001.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

By:


DOLORES RAMOS
Regional Manager

FILED
SEP 17 2001
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-28843 LA
JULIO R. CARRASCO,)	L-2000120292
Respondent.)	
)	
)	

DECISION AFTER REJECTION

The matter came on for hearing before N. Gregory Taylor, Administrative Law Judge of the Office of Administrative hearings, in Los Angeles, California, on March 15, 2001.

Sean Crahan, Counsel, represented the Complainant. Respondent appeared and was represented by Vernon L. Putnam, Esq. of Avila & Putnam.

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

On April 3, 2001, 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

1 Code of the State of California, Respondent was served with
2 notice of my determination not to adopt the Proposed Decision of
3 the Administrative Law Judge (ALJ) along with a copy of said
4 Proposed Decision. Respondent was notified that the case would
5 be decided by me upon the record including the transcript of
6 proceedings held on March 15, 2001, and upon any written argument
7 offered by Respondent.

8 On July 10, 2001, Respondent submitted argument in
9 support of the Administrative Law Judge's Proposed Decision.
10 Complainant submitted written Argument After Non Adoption on
11 August 3, 2001.

12 I have given careful consideration to the record in
13 this case, including the transcript of proceedings of March 15,
14 2001 and to Respondent's and Complainant's arguments.

15 The following shall constitute the Decision of the Real
16 Estate Commissioner in the above - entitled matter.

17 FINDINGS OF FACT

18 1. Thomas McCrady, a Deputy Real Estate Commissioner
19 of the Department, filed the Accusation in the above-captioned
20 matter on behalf of the Real Estate Commissioner of State of
21 California. Both were acting in their official capacity when the
22 Accusation was filed.

23 2. Respondent is presently licensed and/or has license
24 rights under the Real Estate Law, Part 1 of Division 4 of the
25 Business and Profession Code (Code) as a real estate salesperson.

26 3. On or about March 11, 1999, Respondent filed his
27

1 Salesperson License Application with the Department for the
2 license he currently holds. He marked the box denoting "No" in
3 response to Question 25 asking whether he had ever been convicted
4 of any violation of law, denoting "No" in response to Question 25
5 asking whether he had ever been convicted of any violation of
6 law.

7 4. On or about July 3, 1996, in the Municipal Court,
8 Citrus Judicial District, Los Angeles County, California, in Case
9 # 6JM06810, Respondent entered a plea of nolo contendere to a
10 charge of violation of Section 502.7 (B) (1) of the Penal Code, a
11 misdemeanor, to wit: possessing a cloned phone with intent to use
12 it to avoid a lawful telephone charge and to conceal the
13 existence, place of origin and destination of a telephone
14 message. Respondent was sentenced as follows: execution of
15 sentence suspended; 120 days in jail suspended; 3 years summary
16 probation; and restitution to LA Cellular of \$1,000.47. Proof of
17 payment of restitution was filed with the court on or about July
18 12, 1996. Respondent admitted he had possessed and used this
19 illegal cell phone for between two and three months before his
20 arrest.

21 5. Question 25 of the Application asks:

22 Have you ever been convicted of any violation of law? (You
23 may omit convictions for drunk driving, reckless driving,
24 and minor traffic citations which do not constitute a
 misdemeanor or felony offense.)

25 //

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1 Question 25 is preceded by a bold instruction which recites:

2 *** Carefully read and provide detailed answers to**
3 **questions #24-26.** You must provide a yes or no response
4 to all questions. * 'Convicted' as used in Question 25
5 includes a verdict of guilty by judge or jury, a plea of
6 guilty or of nolo contendere, or a forfeiture of bail in
7 municipal, superior or federal court. All convictions
8 must be disclosed whether or not the plea or verdict was
9 set aside, the conviction against you was dismissed, or
10 expunged or if you have been pardoned. Convictions
11 occurring while you were a minor must be disclosed unless
12 the record of conviction has been sealed under Section
13 1203.45 of the California Penal Code or Section 781 of the
14 California Welfare and Institutions Code.

9 6. At the hearing, Respondent admitted his conviction
10 and answering "No" to Question 25 regarding whether he had been
11 convicted of any violation of law. Respondent testified that the
12 reason he answered "no" to Question 25 was that he did not think
13 it was going to show up, that it was "wiped out" because his
14 attorney in the criminal matter told him something to the effect
15 that it would not show up.

16 7. More than four (4) years have elapsed since
17 Respondent's criminal conviction and two (2) years since
18 termination of his three-year probation. However, the non-
19 disclosure of his conviction occurred on March 11, 1999.

20 8. Respondent has changed his employment since his
21 criminal conviction and is successfully pursuing a career as a
22 real estate salesperson. Respondent and his employing broker
23 testified that there have been no complaints as to his work in
24 his new pursuit.

25 9. Respondent owns a home and is married with two
26 young children. In addition to his family, Respondent also
27

1 supports his mother, sister and brother and their two children.

2 10. Respondent is currently taking computer courses to
3 improve his professional skills.

4 11. In the opinion of two character witnesses,
5 respondent has a good reputation and is trustworthy. But both
6 character witnesses testified, disingenuously, that Respondent's
7 possession of an illegal cell phone and his failure to disclose
8 his conviction on a real estate license application, when
9 required to do so, did not change their opinion of Respondent's
10 trait for honesty and truthfulness.

11 12. While Respondent expressed remorse both for the
12 criminal conviction circumstances and for not being more
13 attentive in completing his license application, his testimony
14 under oath was inconsistent in several respects. On the one hand
15 he testified at the moment he answered "no" to Question 25, he
16 had no recall whatever that he was convicted of possessing an
17 illegal cell phone. On the other hand, he testified he answered
18 "no" to question 25 because he thought the conviction would not
19 appear on his record. His testimony that he did not pay
20 attention to the instruction to question 25 is inconsistent with
21 his broker's testimony that his paperwork was put together
22 properly. This infers that Respondent was usually attentive to
23 completing his paperwork.

24 DETERMINATION OF ISSUES

25 1. Cause exists to suspend or revoke Respondent's
26 licenses and license rights under the Real Estate Law pursuant to
27

1 Business and Professions Code Sections 480(c) and 10177(a).

2 2. Respondent has made progress toward rehabilitation
3 concerning the conviction. However, his non-disclosure is a
4 recent act of dishonesty indicating that rehabilitation is not
5 complete.

6 3. Respondent's belief that the conviction would not
7 show up motivated him to conceal the conviction against clear
8 language on the application requiring that conviction to be
9 disclosed. This shows a dishonest intent.

10 4. For all the above reasons, the following Order is
11 appropriate.

12 ORDER

13 All licenses and licensing rights of Respondent JULIO
14 R. CARRASCO under the Real Estate Law are revoked.

15 This Decision shall become effective at 12 o'clock noon
16 on October 9, 2001.

17
18 IT IS SO ORDERED

September 14, 2001.

19 PAULA REDDISH ZINNEBANN
20 Real Estate Commissioner

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FILED
MAY - 9 2001

DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-28843 LA
JULIO R. CARRASCO,)	L-2000120292
Respondent.)	

NOTICE

To: Respondent JULIO R. CARRASCO, and VERNON L. PUTNAM,
his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated April 3, 2001, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated April 3, 2001, 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

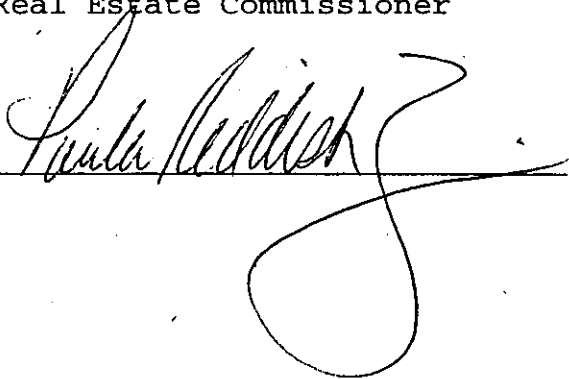
1 March 15, 2001, and any written argument hereafter submitted on
2 behalf of respondent and complainant.

3 Written argument of respondent to be considered by me
4 must be submitted within fifteen (15) days after receipt of the
5 transcript of the proceedings of March 15, 2001, at the
6 Los Angeles office of the Department of Real Estate unless an
7 extension of the time is granted for good cause shown.

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

13 DATED: April 27, 2001.

14 PAULA REDDISH ZINNEMANN
15 Real Estate Commissioner

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

In the Matter of the Accusation of:)	
)	Case No. H-28843 LA
JULIO R. CARRASCO,)	
)	OAH No.L2000120292
Respondent.)	
_____)	

PROPOSED DECISION

N. Gregory Taylor, Administrative Law Judge, Office of Administrative Hearings, heard the above-captioned matter at Los Angeles, California, on March 15, 2001. The Department of Real Estate ("Department") was represented by Sean Crahan, Counsel. Respondent was present throughout the hearing and represented by counsel, Vernon L. Putnam, Attorney at Law.

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

FACTUAL FINDINGS

The Administrative Law Judge finds the following facts:

1. Thomas McCrady, a Deputy Real Estate Commissioner of the Department, filed the Accusation in the above-captioned matter on behalf of the Real Estate Commissioner of State of California. Both were acting in their official capacity when the Accusation was filed.

2. Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Profession Code (Code) as a real estate salesperson.

3. On or about March 11, 1999, Respondent filed his Salesperson License Application with the Department for the license he currently holds. He marked the box denoting "No" in response to Question 25 asking whether he had ever been convicted of any violation of law.

denoting "No" in response to Question 25 asking whether he had ever been convicted of any violation of law.

4. On or about July 3, 1996, in the Municipal Court, Citrus Judicial District, Los Angeles County, California, in Case # 6JM06810, Respondent entered a plea of nolo contendere to a charge of violation of Section 502.7 (B) (1) of the Penal Code, a misdemeanor, to wit: possessing a cloned phone with intent to use it to avoid a lawful telephone charge and to conceal the existence, place of origin and destination of a telephone message. Respondent was sentenced as follows: execution of sentence suspended; 120 days in jail suspended; 3 years summary probation; and restitution to LA Cellular of \$1,000.47. Proof of payment of restitution was filed with the court on or about July 12, 1996.

5. Respondent admitted his conviction and answering "No" to Question 25 regarding whether he had been convicted of any violation of law.

6. More than 4 years have elapsed since Respondent's criminal conviction.

7. Respondent has changed his employment since his criminal conviction and is successfully pursuing a career as a real estate salesperson. There have been no complaints as to his work in his new pursuit.

8. Respondent owns a home and is married with two young children. In addition to his family, Respondent also supports his mother, sister and brother and their two children.

9. Respondent is currently taking computer courses to improve his professional skills.

10. In the opinion of two character witnesses, respondent has a good reputation and is trustworthy.

11. Respondent has expressed great remorse both for the criminal conviction circumstances and for not being more attentive in completing his license application.

LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke Respondent's licenses and license rights under the Real Estate Law pursuant to Business and Professions Code Sections 480 (c) and 10177 (a).2.

2. Respondent has substantially met the requirements for Rehabilitation concerning the conviction and subsequent conduct referred to in Paragraphs 4, and 6 through 7 above.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Julio R. Carrasco under the Real Estate Law are Revoked: provided however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore 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 license 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 Respondent's 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 has 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 of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision.

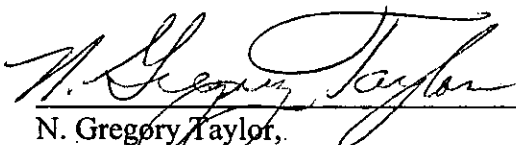
NOT ADMITTED

NOT ADOPTED

- 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 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.

April 3, 2001


N. Gregory Taylor,
Administrative Law Judge,
Office of Administrative Hearings


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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 31 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
JULIO R. CARRASCO,)
)
Respondent.)

Case No. H-28843 LA
OAH No. L-2000120292

By: 

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on March 15, 2001, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.


You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 31, 2001.

cc: Julio R. Carrasco
Vernon L. Putnam, Esq.
Quality Homes Realty Inc.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE
By: 
SEAN CRAHAN, Counsel

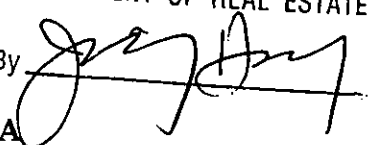
SACTO

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN - 3 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
 JULIO R. CARRASCO,)
)
 Respondent.)

Case No. H-28843 LA
OAH No. L-2000120292

By 

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on February 2, 2001, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 3, 2001

cc: Julio R. Carrasco
Vernon L. Putnam, Esq.
Quality Homes Realty Inc.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN, Counsel

SEAN CRAHAN, Counsel
State Bar No. 49351
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013.

(213) 576-6982 general
(213) 576-6907 direct

FILED
OCT 30 2000
DEPARTMENT OF REAL ESTATE
By: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	NO. H-28843 LA
JULIO R. CARRASCO,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JULIO R. CARRASCO (hereinafter "Respondent"), is informed and alleges as follows:

I

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

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code) as a real estate

Handwritten: 5 Acc. Flag

1 salesperson. This license was subject to Section 10153.4 of the
2 Code.

3 III

4 APPLICATION

5 In response to Question 25 of Respondent's salesperson
6 application, filed on or about March 11, 1999, to wit: "Have
7 you ever been convicted of any violation of law?", Respondent
8 marked the box denoting "No".

9 IV

10 CONVICTION

11 On or about July 3, 1996, in the Municipal Court,
12 Citrus Judicial district, Los Angeles County, California, in
13 case #GJM-6810, Respondent was convicted of violation of Penal
14 Code §502.7(B)(1), [sale or possession of an instrument with
15 intent to defraud a telephone company], a misdemeanor, a crime
16 involving moral turpitude and a crime which is substantially
17 related under Section 2910, Title 10, Chapter 6, California Code
18 of Regulations, to the qualifications, functions or duties of a
19 real estate licensee. Respondent was sentenced as follows:
20 sentence was suspended, 120 days in jail suspended, 3 years
21 probation, restitution to LA Cellular \$1,000.47, due 10-1-96,
22 and paid on 7-12-96.

23 V

24 Respondent's failure to reveal his criminal
25 conviction, as set forth in Paragraph III above, constitutes the
26 procurement of a real estate license by knowingly making false
27 statement of fact required to be revealed in said application,



1 which failure is cause under Sections 480(c) and 10177(a) of the
2 Code for suspension or revocation of all licenses and license
3 rights of Respondent under the Real Estate Law.
4

5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and that upon
7 proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondent,
9 JULIO R. CARRASCO, under the Real Estate Law (Part 1 of Division
10 4 of the Business and Professions Code) and for such other and
11 further relief as may be proper under other applicable
12 provisions of law.

13 Dated at Los Angeles, California
14 this 30th day of October, 2000.

15
16 
17 _____
18 Deputy Real Estate Commissioner
19
20

21 cc: Julio R. Carrasco
22 Quality Homes Realty Inc.
23 Thomas McCrady
24 Sacto.
25 PSR
26
27