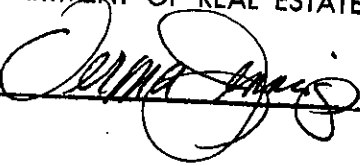


**FILED**  
MAY 26 2006  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-28934 LA  
)  
HUGO ALBERT QUINTANILLA, )  
)  
Respondent. )  
)

ORDER GRANTING UNRESTRICTED LICENSE

On May 22, 2001, a Decision was rendered herein, effective June 21, 2001, denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on June 27, 2001. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On July 20, 2005, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

///

1 I have considered Respondent's petition and the  
2 evidence submitted in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate salesperson license and that it  
6 would not be against the public interest to issue said  
7 license to Respondent.

8  
9 NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for removal of restrictions is granted and that a real  
11 estate salesperson license be issued to Respondent if Respondent  
12 satisfies the following conditions within nine (9) months from  
13 the date of this Order:

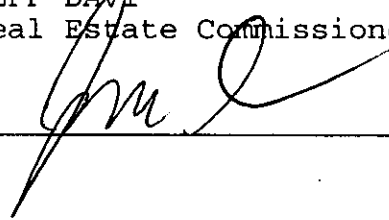
14 1. Submittal of a completed application and payment  
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate  
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: 5-18-06

23 JEFF DAVIS  
24 Real Estate Commissioner

25   
26 \_\_\_\_\_

27 cc: Hugo A. Quintanilla  
5343 Geyser Avenue  
Tarzana, CA 91356

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
JUN - 1 2001  
DEPARTMENT OF REAL ESTATE

\* \* \* \* \*

By K. Kriegerholt

In the Matter of the Application of )  
)  
HUGO ALBERT QUINTANILLA, )  
)  
)  
Respondent. )  
\_\_\_\_\_ )

No. H-28934 LA  
L-2001020204

DECISION

The Proposed Decision dated May 3, 2001, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

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

This Decision shall become effective at 12 o'clock noon on June 21, 2001

IT IS SO ORDERED

May 22, 2001.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

HUGO ALBERT QUINTANILLA

Respondent.

No. H-28934 LA

OAH No. L2001020204

**PROPOSED DECISION**

William O. Hoover, Administrative Law Judge, Office of Administrative Hearings, heard this matter on April 17, 2001, in Los Angeles, California.

Elliott Mac Lennan, Real Estate Counsel I, represented complainant Thomas McCrady.

Huey P. Cotton, Attorney at Law, represented respondent Hugo Albert Quintanilla, who was also present.

The matter was submitted on April 17, 2001.

**FACTUAL FINDINGS**

1. Thomas McCrady, Deputy Real Estate Commissioner, Department of Real Estate ("Department"), State of California, made and filed this Statement of Issues in his official capacity. The filing was based on an evaluation of Hugo Albert Quintanilla's application, which revealed a felony conviction for fraud and a misdemeanor conviction for spousal abuse. Mr. Quintanilla had the burden of establishing by a preponderance of the evidence that he is entitled to issuance of a license.

2. Hugo Albert Quintanilla (“respondent”) submitted to the Department an application for a real estate salesperson’s license, dated July 14, 2000, subject to Business and Professions Code section 10153.4.

3. Following his plea of *guilty* to a violation of Penal Code section 502.7(a)(5) (use of device to defraud telephone company), before the Superior Court of Los Angeles, No. Valley Judicial District, in Case Number PA022956, respondent was sentenced on June 21, 1996. The court suspended the imposition of sentence and placed respondent on formal probation for three years subject to specified terms and conditions. These terms and conditions included requirements that respondent complete 100 hours of community service, pay \$6000 of restitution and seek and maintain employment, or be involved in educational or vocational training. The offense involves moral turpitude and is substantially related to the qualifications, functions and duties of the licensed activity.

4. On December 4, 1997, the court reduced respondent’s conviction to a misdemeanor, pursuant to Penal Code section 17(b)(5), and terminated probation pursuant to Penal Code section 1203.3. The court action was based on respondent’s total compliance with the terms and conditions of his probation. The court previously had converted respondent’s formal probation to summary probation. As the judge noted at a subsequent proceeding “...You did an absolutely outstanding job on probation. You should be the poster child or poster man for all the people on probation, because I have never seen anybody do such a terrific job on probation as you did.” On January 29, 2001, respondent’s petition to have the conviction dismissed pursuant to Penal Code section 1203.4 was granted.

5. The specific facts and circumstances of the violation are unknown, however, respondent explained that he was associating with a “bad crowd” of people and knowingly allowed them to use his residence to engage in the illegal “cloning” of cellular phones.<sup>1</sup> Respondent stated that while he did not actually clone any phones, he did use altered phones to make telephone calls.

6. On March 26, 1991, before the Municipal Court of Los Angeles, Central Arraignment Judicial District, respondent was convicted on his plea of *guilty*, of a violation of Penal Code section 273.5 (inflicting corporal injury on spouse), as a misdemeanor. The court suspended the imposition of sentence for two years and placed respondent on summary probation to the court, subject to specified terms and conditions. These terms and conditions included five (5) days incarceration in the county jail, performance of one hundred (100) hours of community service and a requirement that respondent enroll in and complete six (6) months domestic violence counseling. Respondent successfully completed his probation and on February 20, 2001, the court granted his petition to set aside his plea and dismiss the charges pursuant to Penal Code section 1203.4.

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<sup>1</sup> Although “cloning” was not explained in any detail, the ALJ is familiar with the term and activity having prosecuted similar cases as a deputy district attorney. Cloning refers to the altering of the internal coding of cellular phones (usually stolen) to permit calls to be made without charge to the caller. The calls are typically charged to innocent parties.

7. The facts and circumstances of this offense are that on or about March 24, 1991, respondent became involved in an altercation with his wife which resulted in a non-serious injury to her. Respondent readily and quickly accepted responsibility for the conduct and there is no evidence that it has been repeated. Respondent testified candidly that the relationship with his wife was not a good one and they simply did not get along. They divorced and respondent has custody of his young daughter. The daughter does not presently live with her father due to financial considerations and has been living with the family of his attorney. He sees his daughter frequently. This unusual arrangement resulted from a close, long-term friendship between respondent's ex-wife and his attorney's wife. The family has known the daughter since her birth and respondent's attorney has acted almost as a mentor for respondent. Respondent testified that his desire is to become financially stable and self-sufficient so that his daughter can reside with him. The remoteness of the conviction, coupled with the circumstances and evidence, suggests that it is not indicative of a pattern of violent behavior, accordingly the conviction is assigned little, if any, weight.

8. Respondent presently resides in a mortgaged condominium, but it is not in a "good" neighborhood and he is seeking to move. Respondent works as a process server on an independent contractor basis. He has also attended Los Angeles Valley Community College and needs three (3) units to complete course work for an associate degree in Criminal Justice. He submitted two letters of recommendation from former instructors at the college who spoke highly of respondent's academic achievements and his many positive personal qualities. Both unreservedly recommended for licensure by the DRE. At least one of these individuals, his professor of Criminal Justice who is also a retired police officer, is aware of respondent's criminal convictions.

9. Respondent developed an interest in real estate as a career and volunteered his services approximately two years ago at Pacific First Bancorp Mortgage Corporation in order to learn the business. The broker, Frederico Triebel, noted respondent's attitude and demeanor and the fact that he did anything asked of him with care and discipline. He is aware of respondent's criminal past and describes him as the "...epitomy of a person that has been at the bottom of things and has emerged, completely and fully, re-habilitated in every aspect." Mr. Triebel is listed on respondent's application as the sponsoring broker. It is respondent's intention to work for him if licensed.

10. Due to his unusual relationship with respondent, his attorney, Mr. Cotton, was permitted to testify as a character witness. He has known respondent for approximately five years and observed his maturation into a responsible, law-abiding individual. Mr. Cotton has provided counseling to respondent and encouraged him to seek a real estate license. He testified credibly to his belief that respondent's conduct since his 1996 conduct demonstrates that he has truly turned his life around.

11. In evaluating the extent of rehabilitation, the provisions of California Code of Regulations section 2911 are instructive and were considered. Respondent had the burden of establishing that he is entitled to licensure by the Department. He has met that burden. The evidence of respondent's rehabilitation is compelling and demonstrates his commitment to

bettering himself and becoming a law-abiding, productive member of society. It would not be contrary to the public interest to grant a licensure in a restricted status.

### LEGAL CONCLUSIONS

1. Business and Professions Code sections 480(a) and 10177(b) provide that the Department may deny issuance of a real estate license to anyone convicted of any felony or a crime of moral turpitude, if the crime or act is substantially related to the qualifications, functions or duties of a licensee of the Department (See California Code of Regulations section 2910).

2. Cause for denial of respondent's application based on his conviction of a violation of Penal Code section 502.7(a)(5), pursuant to Business and Professions Code sections 480(a) and section 10177(b) and California Code of Regulations section 2910, exists by reason of Factual Findings 1, 2, 3 and 5.

3. Cause for discipline of respondent's application based on his conviction for a violation of Penal Code section 273.5 does not exist by reason of Factual Findings 1, 2, 6 and 7.

3. Cause for issuance of a restricted (conditional) license based on a substantial showing of rehabilitation, pursuant to California Code of Regulations section 2911, has been established by reason of Factual Findings 1 through 11.

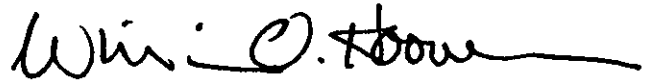
### ORDER

Respondent Hugo Quintanilla's application for a conditional real estate salesperson's license is denied. However, respondent shall be issued a restricted real estate salesperson's license subject to the following terms and conditions:

1. 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 the restricted 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.

2. Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four (4) years after the date of the issuance of the preceding restricted license.

Dated: 5/3/01



WILLIAM O. HOOVER  
Administrative Law Judge  
Office of Administrative Hearings



Sacto  
RJ

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
FEB 27 2001  
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

HUGO ALBERT QUINTANILLA,

Respondent

Case No. H-28934 LA

OAH No. L-2001020204

By R. Niederholtz

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, Ste. 630  
Los Angeles, CA

on April 17, 2001, at the hour of 1:30 P.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.

DEPARTMENT OF REAL ESTATE

Dated: February 27, 2001

By aij. u

Counsel

RE 500 (Rev. 8/97)

cc: Hugo Albert Quintanilla  
Pacific First Bancorp Mtg.  
Sacto OAH RJ

kw

*Handwritten:* Maco King

1 ELLIOTT MAC LENNAN, SBN 66674  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6911 (direct)  
6 -or- (213) 576-6082 (office)

**FILED**  
JAN 23 2001  
DEPARTMENT OF REAL ESTATE  
By K. Wiederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 HUGO ALBERT QUINTANILLA, ) No. H-28934 LA  
13 Respondent. ) STATEMENT OF ISSUES  
14 )

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against HUGO ALBERT QUINTANILLA (respondent) is informed and  
18 alleges in his official capacity as follows:

19 1

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate salesperson  
22 license on or about July 20, 2000, with the knowledge and  
23 understanding that any license issued as a result of said  
24 application would be subject to Section 10153.4(c) under the Real  
25 Estate Law (Part 1 of Division 4 of the California Business and  
26 Professions Code) (Code).

On June 21, 1996, in the Superior Court of the Los Angeles, North Valley Judicial District, County of Los Angeles, State of California, respondent was convicted upon a guilty plea to violating one count of Section 502.7(a)(5) of the California Penal Code (use of a device to defraud telephone company), a felony crime.

On March 21, 1991, in the Municipal Court of Los Angeles, Central Arraignment Judicial District, County of Los Angeles, State of California, respondent was convicted upon a guilty plea to violating one count of Section 273.5 of the California Penal Code (inflict corporal injury on spouse), a misdemeanor crime.

The facts and circumstances of the crimes to which respondent was convicted 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, and constitute cause for denial of his application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

/

/

The above crimes 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 California Business and Professions Code and Sections 11500 through 11528 of the California Government Code.

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

Dated at Los Angeles, California  
this 23rd day of January, 2001.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Hugo Albert Quintanilla  
Sacto  
RLJ  
Pacific First Bancorp Mtg.