



mailing was returned to the Department marked by the post office, "Attempted Unknown". A package with the same contents was also sent by certified mail on November 1, 2002 to Respondent care of his last employer of record, and signed for on November 4, 2002.

2.

On January 27, 2003, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

At all times relevant herein, Respondent was and is licensed by the Department of Real Estate of the State of California ("Department") or had license rights as a real estate salesperson. Respondent was originally licensed by the Department on June 17, 1991.

FIRST CAUSE OF ACCUSATION  
(1999 Conviction/Failure to disclose)

4.

On or about February 11, 2000, Respondent submitted a Salesperson Renewal Application to renew his salesperson license, which had expired on June 16, 1999. On June 7, 2001, Respondent's renewal application was granted in reliance on the information contained therein and follow-up documentation provided by Respondent.

5.

In response to Question Number 3, to wit, "Within the past four year period, have you been convicted of any violation of law? (You may omit convictions for drunk driving, reckless driving and minor traffic citations which do not constitute a misdemeanor or felony offense)", Respondent marked the box, "No".

6.

(a)

On or about November 15, 1999, in the Los Angeles County Municipal Court, State of California, in case number 9ZZ01884, Respondent was convicted of violating Vehicle Code Section 12025(A)(1) (carrying a concealed weapon within a vehicle), a misdemeanor. Respondent was placed on summary probation for three

years, the terms and conditions of which included 45 days of Cal Trans work and fines.

(b)

On or about December 14, 2000, Respondent was found in violation of probation. Probation was reinstated on the same terms and conditions. On April 26, 2001, Respondent was again found in violation of probation. Probation was reinstated and 32 days of Cal Trans were converted to 320 hours of community service. On June 4, 2002, Respondent failed to appear for a progress report and probation was revoked. A bench warrant was issued for his arrest and bail set at \$25,000.

SECOND CAUSE OF ACCUSATION  
(Additional Criminal Convictions)

7.

On or about May 21, 2001, in the Los Angeles County Municipal Court, State of California, in case number 0DW06462, Respondent was convicted on his plea of nolo contendere to one count each of violating Vehicle Code Section 23152(b) (driving with .08% or more alcohol blood level); Vehicle Code Section 14601.1 (driving with a suspended license); and Vehicle Code Section 12500(A) (unlicensed driver), all misdemeanors which by their circumstances involve moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

Respondent was sentenced to thirty-six months summary probation, the terms and conditions of which included paying fines of \$2,734, serving three days in jail and enrollment in and completion of an alcohol and other drug education and counseling program. Respondent's driving was restricted for ninety days to driving to and from work and to and from the counseling program. On October 26, 2001, Respondent was ordered to re-enroll in DUI school. Proof of enrollment was filed on May 21, 2002.

8.

On or about June 25, 2001, in the Superior Court of California, County of Los Angeles, in case number 1SE02795, Respondent was convicted on his plea of guilty to violating Penal Code Section 243(e)(1) (battery on a former spouse), a crime of moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

Respondent was placed on three years summary probation, the terms and conditions of which included 30 days in jail and restitution in the amount of \$100. Respondent was ordered to enroll and attend an anger management program once a week for 52 weeks and to provide progress reports to the court. On August 22, 2001, Respondent's probation was revoked due to his failure to comply with its terms. A bench warrant in the amount of \$30,000 was issued for his arrest.

#### DETERMINATION OF ISSUES

1.

Respondent's failure to disclose the conviction set forth in Paragraph 6 above in his application to renew his real estate license constitutes an attempt to procure a real estate license by misrepresentation or by making a material misstatement of fact in an application for a real estate license and is grounds to suspend or revoke Respondent's license pursuant to Business and Professions Code Sections 498 and 10177(a).

2.

Respondent's convictions, as set forth above in Paragraphs 7 and 8, constitute cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

3.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent JUAN VIOLANTE under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on March 3, 2003

IT IS SO ORDERED February 5, 2003.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish Zinnemann

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

**FILED**  
JAN 27 2003  
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

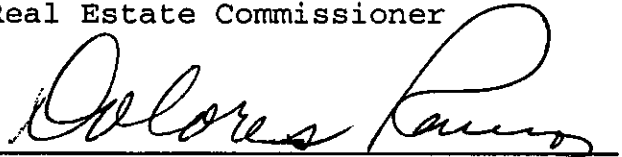
10 \* \* \* \*

11 In the Matter of the Accusation of )  
12 JUAN VIOLANTE, ) NO. H-29748 LA  
13 Respondent. ) DEFAULT ORDER  
14 )

15 Respondent, JUAN VIOLANTE, having failed to file  
16 a Notice of Defense within the time required by Section 11506  
17 of the Government Code, is now in default. It is, therefore,  
18 ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED January 27, 2003.

20 PAULA REDDISH ZINNEMANN  
21 Real Estate Commissioner

22 

23 By: DOLORES RAMOS  
24 Regional Manager

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**FILED**  
OCT 23 2002  
DEPARTMENT OF REAL ESTATE

*Laura B. Chon*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of ) No. H- 29748 LA  
)  
JUAN VIOLANTE, ) A C C U S A T I O N  
)  
Respondent. )

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, for cause of  
Accusation against JUAN VIOLANTE, aka Juan Rodriguez, Juan  
Alberto Rodriguez, and Juan Violante-Rodriguez ("Respondent"),  
is informed and alleges in her official capacity as follows:

1.

At all times relevant herein, Respondent was and is  
licensed by the Department of Real Estate of the State of  
California ("Department") or had license rights as a real  
estate salesperson. Respondent was originally licensed by the  
Department on June 17, 1991.

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1 in violation of probation. Probation was reinstated on the  
2 same terms and conditions. On April 26, 2001, Respondent was  
3 again found in violation of probation. Probation was  
4 reinstated and 32 days of Cal Trans were converted to 320  
5 hours of community service. On June 4, 2002, Respondent  
6 failed to appear for a progress report and probation was  
7 revoked. A bench warrant was issued for his arrest and bail  
8 set at \$25,000.

9 5.

10 Respondent's failure to disclose the conviction set  
11 forth in Paragraph 4 in his application to renew his real  
12 estate license constitutes an attempt to procure a real  
13 estate license by misrepresentation or by making a material  
14 misstatement of fact in an application for a real estate  
15 license and is grounds to suspend or revoke Respondent's  
16 license pursuant to Business and Professions Code Sections 498  
17 and 10177(a).

18 Second Cause of Accusation

19 (Additional Criminal Convictions)

20 6.

21 On or about May 21, 2001, in the Los Angeles County  
22 Municipal Court, State of California, in case number ODW06462,  
23 Respondent was convicted on his plea of nolo contendere to one  
24 count each of violating Vehicle Code Section 23152(b) (dui  
25 with .08% or more alcohol blood level); Vehicle Code Section  
26 14601.1 (driving with a suspended license); and Vehicle Code  
27 Section 12500(A) (unlicensed driver), all misdemeanors which

1 by their circumstances involve moral turpitude and are  
2 substantially related to the qualifications, functions and  
3 duties of a real estate licensee.

4 Respondent was sentenced to thirty-six months  
5 summary probation, the terms and conditions of which included  
6 paying fines of \$2,734, serving three days in jail and  
7 enrollment in and completion of an alcohol and other drug  
8 education and counselling program. Respondent's driving was  
9 restricted for ninety days to driving to and from work and to  
10 an from the counselling program. On October 26, 2001,  
11 Respondent was ordered to re-enroll in DUI school. Proof of  
12 enrollment was filed on May 21, 2002.

13 7.

14 On or about June 25, 2001, in the Superior Court of  
15 California, County of Los Angeles, in case number 1SE02795,  
16 Respondent was convicted on his plea of guilty to violating  
17 Penal Code Section 243(e)(1) (battery on a former spouse), a  
18 crime of moral turpitude which is substantially related to the  
19 qualifications, functions and duties of a real estate  
20 licensee.

21 Respondent was placed on three years summary  
22 probation, the terms and conditions of which included 30 days  
23 in jail and restitution in the amount of \$100. Respondent was  
24 ordered to enroll and attend an anger management program once  
25 a week for 52 weeks and to provide progress reports to the  
26 court. On August 22, 2001, Respondent's probation was revoked  
27 due to his failure to comply with its terms. A bench warrant


1 in the amount of \$30,000 was issued for his arrest.

2 8.

3 Respondent's convictions, as set forth above in  
4 Paragraphs 6 and 7, constitute cause under Sections 490 and  
5 10177(b) of the Business and Professions Code for suspension  
6 or revocation of all licenses and license rights of Respondent  
7 under the Real Estate Law.

8 WHEREFORE, Complainant prays that a hearing be  
9 conducted on the allegations of this Accusation and that upon  
10 proof thereof, a decision be rendered imposing disciplinary  
11 action against all licenses and/or license rights of  
12 Respondent JUAN VIOLANTE under the Real Estate Law and for  
13 such other and further relief as may be proper under  
14 applicable provisions of law.

15 Dated at Los Angeles, California  
16 this 18th day of October, 2002.

17  
18  
19   
20 Deputy Real Estate Commissioner

21  
22  
23 cc: Juan Violante  
24 Century 2000 Real Estate Corporation  
25 Sacto.  
26 Maria Suarez  
27 DW