

SAND.
P119

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

FILED
JUL 11 2003
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * * *

In the Matter of the Accusation of)	No. H-29770 LA
)	L-2002120203
DANIEL RENE BARILLAS,)	
)	<u>ORDER DENYING</u>
Respondent.)	<u>RECONSIDERATION</u>
)	

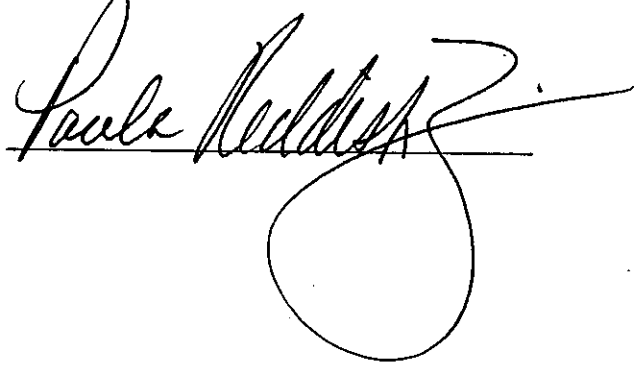
On May 5, 2003, a Decision was rendered in the above-entitled matter. The Decision was to become effective on June 2, 2003, and was stayed by separate orders to July 11, 2003.

On May 22, 2003, Respondent petitioned for reconsideration of the Decision of May 5, 2003.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of May 5, 2003 and reconsideration is hereby denied.

IT IS SO ORDERED July 7, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



File

FILED
JUL - 1 2003

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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-29769 LA
)	L-2002120204
DANIEL RENE BARILLAS,)	
)	
Respondent.)	

In the Matter of the Accusation of)	No. H-29770 LA
)	L-2002120203
DANIEL RENE BARILLAS,)	
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On May 5, 2003, Decisions were rendered in the above-entitled matters to become effective on June 2, 2003. On May 29, 2003, the effective date of said Decisions were stayed until July 2, 2003.


IT IS HEREBY ORDERED that the effective dates of the Decisions of May 5, 2003 are stayed for an additional period of 10 days.

///
///

1 The Decisions of May 5, 2003 shall become effective at
2 12 o'clock noon on July 11, 2003.

3 DATED: July 1, 2003.

4 PAULA REDDISH ZINNEMANN
5 Real Estate Commissioner

6 By: 
7 DOLORES RAMOS
8 Regional Manager

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

SANTO
PLAZA

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

FILED
MAY 29 2003
DEPARTMENT OF REAL ESTATE

[Handwritten Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-29769 LA
DANIEL RENE BARILLAS,)	L-2002120204
Respondent.)	

In the Matter of the Accusation of)	No. H-29770 LA
DANIEL RENE BARILLAS,)	L-2002120203
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On May 5, 2003, Decisions were rendered in the above-entitled matters to become effective on June 2, 2003.

IT IS HEREBY ORDERED that the effective dates of the Decisions of May 5, 2003 are stayed for a period of 30 days.

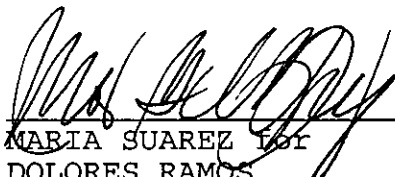
///
///
///
///
///

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 Decisions of May 5, 2003 shall become effective at
12 o'clock noon on July 2, 2003.

DATED: May 29, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: 

MARIA SUAREZ for
DOLORES RAMOS
Regional Manager

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 13 2003
DEPARTMENT OF REAL ESTATE

By 

* * * * *

In the Matter of the Accusation of) No. H-29770 LA
)
) DANIEL RENE BARILLAS,)
) L-2002120203
)
) Respondent.)
_____)

DECISION

The Proposed Decision dated March 12, 2003, 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.

Pursuant to Section 11517(b)(3) of the Government Code, the Proposed Decision, page 3, Legal Conclusions, paragraph 1, line 2, "1077(b)" is amended to read "10177(b)", and Legal Conclusions, paragraph 3, line 2, "2922" is amended to read "2911".

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

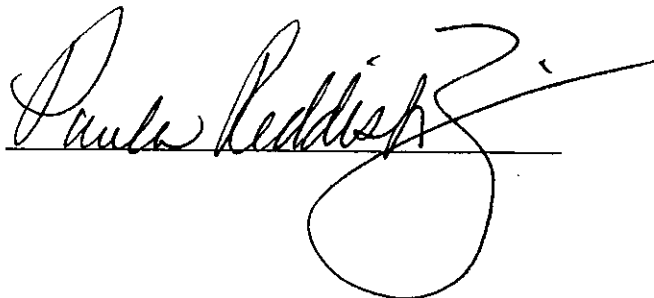
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on June 2, 2003.

IT IS SO ORDERED

May 5, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

DANIEL RENE BARILLAS

Respondent.

Case No. H-29769 LA
OAH No. L2002120204

In the Matter of the Accusation of:

DANIEL RENE BARILLAS

Respondent.

Case No. H-29770 LA
OAH No. L2002120203

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, State of California, Office of Administrative Hearing, heard this matter in Los Angeles, California on February 11th, 2003.

James Peel, Real Estate Counsel, represented Complainant Maria Suarez, a Deputy Real Estate Commissioner Department of Real Estate of the State of California ("Department").

Larry R. Artis, Attorney at Law, represented Respondent Daniel Rene Barillas.

The above entitled matters were heard in a combined hearing pursuant to notice given be the Department.

The matter was submitted on February 11th, 2003.

FACTUAL FINDINGS

1. Complainant, Maria Suarez, a Deputy Real Estate Commissioner with the Department, made the Statement of Issues and Accusation in this proceeding in her official capacity.

2. Respondent Daniel Rene Barillas is presently licensed by the Department as a Real Estate Salesperson under the Real Estate Law (Part 1, Division 4 of the Business and Professions Code ("Code")). Respondent's Real Estate License was first issued in September 19, 1990. At all times pertinent to this proceeding Respondent was so licensed. The current license will expire on September 18th, 2006.

3. On or about April 22nd, 2002, Respondent applied to the Department for a Real Estate Broker's License. In that application, Respondent disclosed that in January 2002 he had been convicted of a violation of Penal Code Section 273.5 (a) – a misdemeanor.

4. On or about February 20th, 2002, in the Superior Court of the State of California for the County of Los Angeles, Respondent entered a plea of nolo contendere to a violation of Penal Code Section 273.5 (a) – spousal abuse – a misdemeanor. The Court placed Respondent on summary probation for a period of three years on certain terms and conditions, including, completing a one year domestic violence counseling program; contributing 25 days of community labor in lieu of jail; not harassing etc. his wife; and payment of certain costs and fines. As of the time of the hearing in this matter, Respondent had three more anger management classes to attend before completing that requirement. He has the performed community labor by working at a park in the City of Ontario. He remains on probation, which will end in 2005.

5. Respondent and his wife, Lissette Barillas, own the business (Empire Lending Corporation) where they both work.

6. On January 11th, 2002, Lissette Barillas arrived at work before Respondent. An employee called in sick. Lissette Barillas moved another employee to cover for the absent person. When Respondent arrived at work, he became very upset with the reassignment. An argument ensued between him and his wife. Respondent made some loud comments to her and then grabbed or pulled her by her arm. She fell against a doorway. Subsequently, it was determined that she had black and blue marks on her arm. Respondent left the office. His wife called the police. He was interviewed by the police at a nearby restaurant. This incident was the basis of the criminal proceeding against Respondent.

7. Respondent has been married to his wife for 22 years. They have two daughters, 15 and 13 years of age. There had been problems in their marriage. However, they are living together. Respondent stated that, since he has been taking the anger management course, their relationship had greatly improved.

8. Respondent has no other criminal convictions. There have been no other disciplinary proceedings against him by the Department.

9. It has been less than two years since Respondent's criminal conviction.

10. The crime of which Respondent was convicted is substantially related to the qualifications, functions or duties of a licensee of the Department in that it involved the

doing of an unlawful act with the intent or threat of doing substantial injury to the person of another.

LEGAL CONCLUSIONS

1. Cause exists, pursuant to Business and Professions Code Sections 480 (a) and 10777 (b), to deny Respondent's application for a Real Estate Broker's license in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a Real Estate licensee as defined in Section 2910 (8) of the Title 10 of the California Code of Regulations and more fully set forth in Paragraphs 4, 6 and 10 of the Factual Findings.

2. Cause similarly exists to take disciplinary action against Respondent's Real Estate Salesperson's license for the same reasons as set forth in Paragraph 1 of Legal Conclusions above.

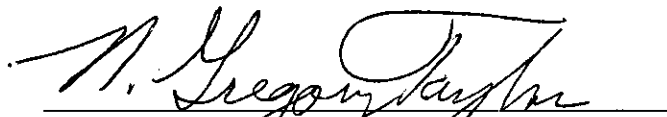
3. Respondent does not meet the Department's criteria for rehabilitation set forth in Sections 2922 and 2912 of Title 10 of the California Code of Regulations in that it has been less than two years since his conviction as more fully set forth in Paragraphs 4, 6 and 9 of the Factual Findings.

ORDER

1. Respondent Daniel Rene Barillas' application for a Real Estate Broker's License is denied.

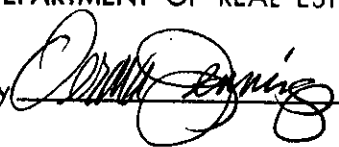
2. All licenses and licensing rights of Respondent Daniel Rene Barillas under the Real Estate Law are revoked.

DATED: March 12, 2003.


N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

SACD
Flay

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

By 

* * * *

In the Matter of the Application of)	No. H-29769 LA
)	L-2002120204
DANIEL RENE BARILLAS,)	
)	
Respondent.)	
<hr/>		
In the Matter of the Accusation of)	No. H-29770 LA
)	L-2002120203
DANIEL RENE BARILLAS,)	
)	
Respondent.)	
<hr/>		

NOTICE OF COMBINED HEARING

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 **Tuesday, February 11, 2003**, 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.

Notice of Hearing
on Application H-29769 LA
and Accusation H-29770 LA
Page Two

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: December 27, 2002.

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL, Counsel

cc: Daniel Rene Barillas
Larry R. Artis, Esq.
Empire Lending Corp.
Sacto.
OAH

SACD,
Flag

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
NOV - 8 2002
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-29770 LA
12 DANIEL RENE BARILLAS,)	<u>ACCUSATION</u>
13 Respondent.)	
14 _____)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against DANIEL RENE BARILLAS, alleges as follows:

18 I

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 her official capacity.

22 II

23 DANIEL RENE BARILLAS (hereinafter referred to as
24 Respondent) is presently licensed and/or has license rights under
25 the Real Estate Law (Part 1 of Division 4 of the Business and
26 Professions Code, hereinafter referred to as the "Code").
27

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

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about February 20, 2002, in the Municipal Court of Citrus Judicial District, County of Los Angeles, State of California, Respondent was convicted of violating Penal Code Section 273.5(A) (Inflict Corporal Injury on Spouse), a crime involving moral turpitude.

V

The crime of which Respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

VI

Respondent's criminal conviction is cause under Code Sections 490 and 10177(b) for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

//
//
//
//
//
//
//
//

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

9 Dated at Los Angeles, California,
10 this 7th day of November, 2002.

11
12
13 
14 MARIA SUAREZ
15 Deputy Real Estate Commissioner
16
17
18
19
20
21
22
23

24 cc: Daniel Rene Barillas
25 Empire Lending Corporation
26 Maria Suarez
27 Sacto.
AW