

FILED
JUN - 7 2006
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of
THOMAS VALLARINO,
Respondent.

No. H-32427 LA
L-2006020402

DISMISSAL

On or about April 24, 2006, Respondent THOMAS VALLARINO notified the Department of Real Estate that he was withdrawing his application for a real estate license and his request for a hearing.

The Statement of Issues herein filed on January 23, 2006, against Respondent THOMAS VALLARINO is DISMISSED.

IT IS SO ORDERED this 17th day of May, 2006.

JEFF DAVI
Real Estate Commissioner

Jeff Davi

LISSETE GARCIA, Counsel (SBN 211552)
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BEFORE THE DEPARTMENT OF REAL ESTATE

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In the Matter of the Application of)	NO. H-32427 LA
THOMAS VALLARINO,	) <u>STATEMENT OF ISSUES</u>
Respondent.	)

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against THOMAS VALLARINO (hereinafter "Respondent"), alleges as follows:

I

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity.

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II

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

III

Respondent was originally licensed by the Department of Real Estate of the State of California ("Department") on June 17, 1998.

IV

Respondent made application to the Department of Real Estate of the State of California for a real estate broker license on or about November 8, 2004.

V

(CRIMINAL CONVICTIONS)

On or about July 26, 1999, in the Superior Court of the State of California, County of Orange, in Case No. 99HM03651, Respondent was convicted of a violation of Vehicle Code Section 23152(a) (driving under the influence of alcohol or drugs). Respondent was sentenced to 3 years informal probation, the terms and conditions of which included payment of fines and restitution, 90 days restricted driver's license and attendance and completion of 1 victim impact panel. Said crime is a misdemeanor involving moral turpitude and bears a substantial relationship under Sections 2910(a)(8), (a)(9), (a)(10), and (a)(11), Title 10, California Code of Regulations,

1 to the qualifications, functions or duties of a real estate
2 licensee.

3 VI

4 On or about April 4, 2001, in the Superior Court of
5 the State of California, County of Orange, in
6 Case No. WE01WM03203, Respondent was convicted of violations of
7 Vehicle Code Sections 14601(a) (driving on a suspended/revoked
8 license) and 21453(C) (driver failure to stop at red arrow).
9 Respondent was sentenced to 3 years informal probation, the
10 terms and conditions of which included payment of fines and
11 restitution. This conviction is substantially related under
12 Sections 2910(a)(7), (a)(8) and (a)(10), Title 10, California
13 Code of Regulations, to the qualifications, functions or duties
14 of a real estate licensee.

15 VII

16 On or about February 4, 2002, in the Superior Court of
17 the State of California, County of Los Angeles, in
18 Case No. ISB08970, Respondent was convicted of a violation of
19 Vehicle Code Section 23152(A) (misdemeanor-driving under the
20 influence of alcohol/drugs). Respondent was placed on 3 years
21 summary probation, the terms and conditions of which included
22 serving 96 hours in county jail, court costs, restitution, fines
23 or community service in lieu of fines, completion of an 18-month
24 licensed second-offender alcohol education program and
25 restricted driving for 18 months. Said crime is a misdemeanor
26 involving moral turpitude and bears a substantial relationship
27

1 under Sections 2910(a)(8), (a)(9), (a)(10) and (a)(11), Title
2 10, California Code of Regulations, to the qualifications,
3 functions or duties of a real estate licensee.

4 VIII

5 On or about March 19, 2003, in Superior Court of the
6 State of California, County of San Diego, in Case No. CN153139,
7 Respondent was convicted of a violation of Vehicle Code
8 Sections 14601.1(a) (driving when privilege suspended or
9 revoked) and 22349(a) (speeding). Respondent was placed on 3
10 years summary probation, which terms and conditions included
11 proof of Ignition Interlock Device on vehicle and payment of
12 court fines and costs. This conviction bears a substantial
13 relationship under Sections 2910(a)(7), (a)(8) and (a)(10),
14 Title 10, California Code of Regulations, to the qualifications,
15 functions or duties of a real estate licensee.
16

17 IX

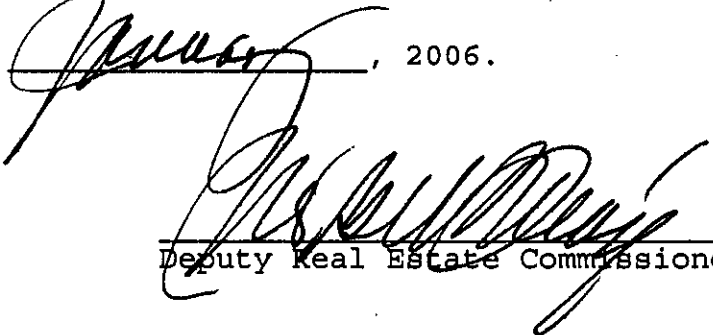
18 The crimes of which Respondent was convicted, as
19 described in Paragraphs V through VIII above, constitute cause
20 for the denial of Respondent's application for a real estate
21 broker license under Business and Professions Code Sections
22 480(a)(1) and 10177(b).

23 These proceedings are brought under the provisions of
24 Section 10100, Division 4 of the Business and Professions Code
25 of the State of California and Sections 11500 and 11528 of the
26 Government Code.
27

1 WHEREFORE, Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate broker
5 license to Respondent, THOMAS VALLARINO, and for such other and
6 further relief as may be proper under other provisions of law.

7 Dated at Los Angeles, California

8 this 20th day of January, 2006.

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12 Deputy Real Estate Commissioner
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24 cc: Thomas Vallarino
25 Maria Suarez
26 Sacto.
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