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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 Application of)	No. H-32668 LA
)	
STEVEN ANTHONY RODRIGUEZ,)	
)	
Respondent.)	
)	

ORDER GRANTING UNRESTRICTED LICENSE

On September 5, 2006, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 November 20, 2006 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about October 2, 2008, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

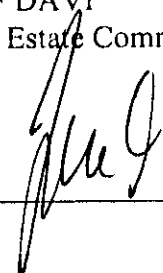
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order. .

12 This Order shall be effective immediately.

13 Dated: _____

14 9-15-2000
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16 JEFF DAVI
17 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By *K. Medendorp*

* * * * *

In the Matter of the Application of)	No. H-32668 LA
STEVEN ANTHONY RODRIGUEZ,	L-2006050227
))
))
Respondent.)
))

DECISION

The Proposed Decision dated July 31, 2006, 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 SEP 26 2006.

IT IS SO ORDERED

JEFF DAVI
Real Estate Commissioner

Jeff Davi

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

In the Matter of the Application of:

STEVEN ANTHONY RODRIGUEZ,

Respondent.

Case No. H-32668-LA
OAH No. L2006050227.

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, on July 3, 2006, in Los Angeles, California.

Complainant was represented by Elliott Mac Lennan, Counsel for the Department of Real Estate (Department).

Steven Anthony Rodriguez (respondent) appeared personally and represented himself.

Oral and documentary evidence was received and the matter was submitted for decision. The Administrative Law Judge finds as follows:

FACTUAL FINDINGS

1. Complainant, Maria Suarez, made the Statement of Issues in her official capacity as Deputy Real Estate Commissioner of the State of California.
2. On March 24, 2005, respondent submitted an application to the Department for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Business and Professions Code section 10153.4, subdivision (c).
3. On July 31, 2004, in the Superior Court of California, County of San Bernardino, (Case No. MWV090899), respondent entered a plea of guilty and was convicted of violating Penal Code sections 422 (making criminal threats) and 273.5 (corporal injury on spouse), both misdemeanors. These are crimes of moral turpitude and substantially related to the duties functions and qualifications of real estate salesperson.

4. Pronouncement of judgment was withheld and respondent was granted conditional and revocable release for 24 months, on certain terms and conditions directing respondent to, *inter alia*, pay a fine of \$400.00, serve 30 days in the county jail and complete a 52 week batterer's treatment program. Respondent has thus far completed all terms and conditions of probation. He is scheduled to complete probation on July 31, 2006.

5. The facts and circumstances underlying the conviction occurred on July 11, 2004, when respondent and his wife began to argue. The argument escalated and respondent began throwing household items on the floor. Respondent then grabbed his wife and shoved her against the wall of their bedroom and threatened to harm her. Respondent's wife ran outside of the house and called the Sheriff's Department. The deputy who responded to the call arrested respondent at the scene.

6. Respondent and his wife had been having marital problems for some time prior to the incident. There was no evidence indicating that respondent has engaged in any violent behavior or other misconduct outside of his troubled marriage. Since the incident, respondent and his wife have reunited and have undergone therapy. Their relationship has improved greatly and they now attend church regularly along with their three young children. Their family life is now stable since the relationship has improved.

7. Respondent is 35 years old and has no other arrests or convictions. He provides financial support for his family through his work as a loan officer for a direct lender. He has performed well in this position for a number of years. Respondent has extensive experience in the field of real estate in addition to his work as a loan officer. He asserted that he was licensed as real estate salesperson during the 1990s, with no previous record of discipline. Complainant did not present evidence rebutting respondent's assertions regarding his previous license history.

LEGAL CONCLUSIONS

1. Cause exists to deny respondent's application for a real estate salesperson license under Business and Professions Code sections 480, subdivision (a) and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, for the conviction set forth in Factual Finding 3.

2. Respondent established mitigation and rehabilitation pursuant to California Code of Regulations, title 10, section 2911, as set forth in Factual Findings 6 and 7. The evidence established that respondent's inappropriate physical contact with his former wife was limited to a domestic dispute in a troubled marriage. Respondent has not engaged in this conduct outside of his marriage. Clearly respondent has had a change in attitude and behavior since his conviction. The evidence of rehabilitation at hearing, as well as respondent's remorse, his stable family life, and his comportment and demeanor at the hearing, support a conclusion that the public would be adequately protected if respondent is granted a restricted license under appropriate conditions imposed to address the concerns of the Department.

ORDER

The application of Steven Rodriguez, for a real estate salesperson license, is denied; provided, however, that a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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 this restricted license.

2. 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.

3. 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 years after the date of the issuance of the preceding restricted license.

4. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

5. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

DATED: July 31, 2006



HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

Handwritten initials/signature in top left corner.

FILED
APR 12 2008
DEPARTMENT OF REAL ESTATE

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) 576-6982 (office)

Handwritten signature: K. Kiederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-32668 LA
12 STEVEN ANTHONY RODRIGUEZ,)	<u>STATEMENT OF ISSUES</u>
13 Respondent.)	

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against STEVEN ANTHONY RODRIGUEZ (Respondent) is informed and
18 alleges in her 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 March 24, 2005, 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).

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2.

On July 31, 2004, In the Superior Court of California, Cojnty of San Bernardino, Case No. MWV090899, respondent was convicted by guilty pleas to violating one count each of Penal Code Section 422 (criminal threats) and Penal Code Section 273.5(a)(corporal injury on spouse), misdemeanor crimes, which by their facts and circumstances, involve moral turpitude and are substantially related under Section 2910(a)(8), Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

3.

These crimes constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and/or 10177(b) of the Code.

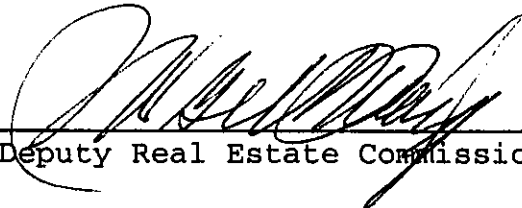
These proceedings are brought under the provisions of Section 10100, Division 4 of the California Business and Professions Code and Sections 11500 through 11529 of the California Government Code.

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1 WHEREFORE, the Complainant prays that 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 salesperson
5 license to Respondent STEVEN ANTHONY RODRIGUEZ, and for such
6 other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this *25th* day of October, 2005.
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12 Deputy Real Estate Commissioner
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24 cc: Steven Anthony Rodriguez
25 Earl T. Young Ltd/Earl T. Young
26 Maria Suarez
27 Sacto
CP