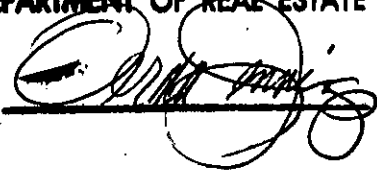


SACD
FLAG

FILED
AUG 22 2011
DEPARTMENT OF REAL ESTATE

By 

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 Accusation of)	No. H-34140 LA
)	
PEDRO HERNANDEZ,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 29, 2008, a Decision was rendered herein revoking the real estate broker license of Respondent.

On or about September 25, 2009, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

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

///

///

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

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal

of restrictions is granted and that a real estate broker license be issued to Respondent, if

Respondent satisfies the following requirements:

1. Submits a completed application and pays the fee for a real estate broker

license within the 12 month period following the date of this Order; and

2. Submits proof that Respondent has completed the continuing education

requirements for renewal of the license sought. The continuing education courses must be completed either (i) within the 12 month period preceding the filing of the completed application, or (ii) within the 12 month period following the date of this Order.

This Order shall be effective immediately.

Dated: August 11, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

William E. Moran

By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

FILED
JUNE 3, 2008
DEPARTMENT OF REAL ESTATE

By C. By

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 Accusation of)	No. H-34140 LA
)	L-2007090439
PEDRO HERNANDEZ,)	
)	
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before Deborah Myers, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on December 4, 2007.

Lissete Garcia, Counsel, represented the Complainant.

Respondent PEDRO HERNANDEZ was present and represented himself.

Oral and documentary evidence was received, the record was closed, and the matter was submitted on December 4, 2007.

On January 3, 2008, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my

1 Decision herein. Pursuant to Section 11517(c) of the Government
2 Code of the State of California, Respondent was served with
3 notice of my determination not to adopt the Proposed Decision of
4 the Administrative Law Judge along with a copy of said Proposed
5 Decision. Respondent was notified that the case would be decided
6 by me upon the record, the transcript of proceedings held on
7 December 4, 2007, and upon any written argument offered by
8 Respondent and Complainant. On April 1, 2008, Respondent's
9 Argument was received. On April 10, 2008, Argument was submitted
10 on behalf of Complainant.

11 I have given careful consideration to the record in
12 this case including the transcript of the proceedings of
13 December 4, 2007. I have also considered the Arguments submitted
14 on behalf of Respondent and Complainant..

15 The following shall constitute the Decision of the Real
16 Estate Commissioner in this proceeding.

17 FACTUAL FINDINGS.

18 1. The Accusation was filed by Maria Suarez, a Deputy
19 Real Estate Commissioner of the State of California, acting in
20 her official capacity.

21 2. Respondent was licensed as a real estate
22 salesperson since 1987. His salesperson license terminated when
23 he became licensed as a broker on May 29, 1992. This license
24 will expire on May 28, 2008, unless renewed.

25
26
27

1 her to near unconsciousness. Respondent's 15 year-old son and
2 Respondent's wife's 18 year-old son woke up and both witnessed
3 Respondent choking his wife while she gasped for air. They
4 attempted to unsuccessfully pull Respondent away from her. When
5 they tried to stop him, Respondent retaliated. The 18 year-old
6 son tried to call the police, but Respondent intimidated him,
7 shoving him and yelling that he was kicking him out of the house.
8 Respondent punched his 15 year-old son in the face and began
9 choking him also. When the police arrived, they observed red
10 marks and bruising on Respondent's wife's neck. She told the
11 police that Respondent had hit her numerous times before during
12 their two-year marriage, but that she had never called the police
13 before. She requested an emergency protective order for herself
14 and the two boys, which a commissioner issued. It appears this
15 is not an aberrant act of violence.

16 7. At the administrative hearing, Respondent denied
17 responsibility for his crime. He claimed that the police report
18 was wrong. Respondent denied striking or choking his wife,
19 insisting that it was only an argument. He believed both their
20 older children were mistaken when they reported to the police
21 identical accounts of Respondent committing violent acts against
22 his wife and against them. Respondent denied there were marks
23 left on his wife's neck, as described by the police report and
24 documented by photos. The Administrative Law Judge found that
25
26
27

1 Respondent was not truthful or candid when he testified at the
2 hearing, and his testimony is afforded little weight.

3 8. Respondent appeared to blame his "sleeping" wife
4 for the altercation, mentioning repeatedly that she was born in
5 Colombia and did not understand the laws of the United States.
6 He failed to sufficiently explain how her lack of knowledge of
7 California laws made her culpable for his violence. Although she
8 was present in the courtroom, Respondent elected not to call his
9 wife as a witness in support of his licensure or in support of
10 his version of events.

11 9. Respondent did not establish he complied with his
12 probation or the court orders. He did not provide independent
13 proof he was enrolled in and participating in a domestic violence
14 counseling program. Respondent did not establish he had acquired
15 any insights into the reasons for his criminal behavior. He did
16 not establish remorse for his crime.

17 10. Respondent had been licensed by the Department of
18 Insurance from 1982 until 1986. He has held a notary public
19 commission for 15 years. Respondent believes his criminal
20 conduct was personal and should not affect his broker license.

21 11. Respondent is 51 years old. He had a previous
22 conviction in 1981 for selling insurance without a license,
23 before he so became licensed. There was no evidence of any
24 subsequent criminal convictions.

25

26

27

1 constitute crimes of moral turpitude and therefore the aliens did
2 not have the requisite good moral character to qualify for
3 suspension of deportation proceedings. People v Hernandez (1992)
4 5 Cal.App.4th 1398, also determined that corporal injury to a
5 spouse involves moral turpitude. Similarly, Respondent's crime
6 is one of moral turpitude because he evinced a general readiness
7 to do evil when he struck and choked his sleeping wife to near
8 unconsciousness.

9 4. "Honesty and truthfulness are two qualities deemed
10 by the Legislature to bear on one's fitness and qualification to
11 be a real estate licensee." Harrington v. Department of Real
12 Estate (1989) 214 Cal.App.3d 394 at 402, citing Golde v. Fox, 98
13 Cal.App.3d 167. "If [appellant's] offenses reflect unfavorably
14 on one's honesty, it may be said he lacks the necessary
15 qualifications to become a real estate salesperson. The
16 Legislature intended that real estate brokers and salespersons be
17 honest, truthful and worthy of the fiduciary responsibilities
18 which they will bear." (Harrington, supra.)

19 5. The Administrative Law Judge concluded that
20 Respondent was not truthful at the administrative hearing when he
21 testified he did not strike or choke his wife and denied
22 responsibility for his violent act. Respondent's lack of honesty
23 to an Administrative Law Judge reflects poorly on his
24 rehabilitation and on his fitness and qualification to be a real
25 estate licensee.

1 6. Respondent had not met any of the Department's
2 criteria of rehabilitation set forth at California Code of
3 Regulations, Title 10, Section 2912. As of the date of the
4 hearing, two years had not passed since his conviction. (Subd.
5 (a).) Respondent had not paid his restitution and fines. (Subds.
6 (b) and (g).) He has not obtained an expungement of his
7 conviction and continues to remain on probation until 2009.
8 (Subds. (c) and (e).) Respondent did not demonstrate new and
9 different social and business relationships. (Subd. (i).) He has
10 a stable but volatile family life, and it is unclear that he has
11 fulfilled his parental and familial responsibilities in this
12 manner. (Subd. (j).) He has no significant and conscientious
13 involvement in his community and church. (Subd. (l).) He had not
14 shown remorse or a change in attitude by accepting responsibility
15 for his actions. (Subd. (m).)

16 7. Respondent did not establish he made any steps
17 toward his rehabilitation. Rehabilitation is a "state of mind"
18 and the law looks with favor upon rewarding with the opportunity
19 to serve one who has achieved "reformation and regeneration."
20 (Pacheco v. State Bar (1987) 43 Cal.3d 1041, 1058.) Fully
21 acknowledging the wrongfulness of past actions is an essential
22 step towards rehabilitation. (Seide v. Committee of Bar Examiners
23 (1989) 49 Cal.3d 933, 940.) Mere remorse does not demonstrate
24 rehabilitation. A truer indication of rehabilitation is
25 sustained conduct over an extended period of time. (In re Menna
26
27

1 (1995) 11 Cal.4th 975, 991.) The evidentiary significance of
2 misconduct is greatly diminished by the passage of time and by
3 the absence of similar, more recent misconduct. (Kwasnik v. State
4 Bar (1990) Cal.3d 1061, 1070.)

5 8. In evaluating the evidence presented in favor of
6 continued licensure, such as the long tenure as a real estate
7 broker and the altered state of mind caused by intoxication,
8 against that presented in favor of discipline, such as the recent
9 violent act involving moral turpitude, the lack of
10 rehabilitation, and the recent act of dishonesty, it is concluded
11 that substantial discipline is warranted for the protection of
12 the public, particularly in light of Respondent's dishonesty
13 before an Administrative Law Judge.

14 9. The Real Estate Law and the disciplinary procedures
15 provided for in the Real Estate Law are designed to protect the
16 public and to achieve the maximum protection for the purchasers
17 of real property and those dealing with real estate licensees
18 (Business and Professions Code Section 10050 and Handeland v.
19 Department of Real Estate (1976) 58 Cal.App.3d 513.)

20 10. Real estate licensees occupy a unique position of
21 trust and responsibility toward the consuming public. Real
22 estate brokers can function without any supervision. The
23 possession of a real estate license entitles the holder to enter
24 the homes and have access to the property of others without
25 supervision. Such licensees must be trustworthy. See Ring v.

1 Smith (1970) 5 Cal. App.3rd 197, 205, Golde v Fox 98 Cal.App.3d,
2 167, 177.). Harrington v. Department of Real Estate (1989) 214
3 Cal.App.3d, 394, 402.

4 In addition, there is often a great deal of anxiety and
5 tension involved in real estate transactions. Because of this we
6 want licensees who are able to control their anger and are not
7 prone to strike out against others, verbally or physically.

8 11. The Administrative Law Judge concluded that the
9 public would be adequately protected by the issuance of a
10 restricted real estate broker license to Respondent. I disagree.
11 Given the serious nature of the crime and the fact that
12 Respondent has not met the criteria of rehabilitation, it has not
13 been shown that issuance of a restricted real estate broker
14 license to Respondent would be in the public interest.

15 A real estate broker license, even one that is
16 restricted, allows licensees to perform the same acts as a non-
17 restricted licensee without supervision.

18 12. The Administrative Law Judge made it clear that
19 the Complainant met its burden in establishing that grounds exist
20 to revoke or otherwise discipline Respondent's real estate
21 license. That having been met, the degree of discipline rests
22 solely with the Commissioner (Golde v. Fox (1979) 98 Cal.App.3d
23 167, 178). Under Business and Professions Code Section 10177,
24 the degree of discipline is a matter that is within the
25 discretion of the Real Estate Commissioner. While reasonable
26
27

1 minds may differ as to the propriety of penalty given, the degree
2 of penalty is squarely within the Commissioner's discretion.
3 Golde v. Fox (1979) 98 Cal.App.3d 167, 189.

4 13. Consideration has been given to all competent
5 evidence of mitigation and rehabilitation, and it is determined
6 that protection of the public welfare would not be ensured by the
7 issuance of a restricted real estate broker license to
8 Respondent.

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 ORDER

11 All licenses and licensing rights of Respondent
12 PEDRO HERNANDEZ under the Real Estate Law are revoked.

13 The right to reinstatement of a revoked real estate
14 license is controlled by Section 11522 of the Government Code.
15 A copy of Section 11522 and a copy of the Commissioner's Criteria
16 of Rehabilitation are attached hereto for the information of
17 Respondent.

18 This Decision shall become effective at 12 o'clock noon
19 on June 23, 2008.

20 IT IS SO ORDERED 5.29.08.

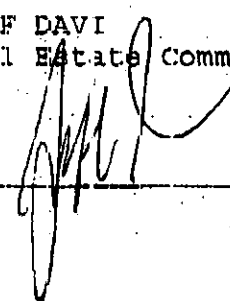
21
22 JEFF DAVI
23 Real Estate Commissioner
24
25
26
27

1 Written argument of Respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of December 4, 2007, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of Complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 Respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: 2-3-08

12
13 JEFF DAVIS
14 Real Estate Commissioner

15
16 
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 6, 2008
DEPARTMENT OF REAL ESTATE

By C-2

In the Matter of the Accusation Against:

Case No. H-34140 LA

OAH No.: 2007090439

PEDRO HERNANDEZ,

Respondent

PROPOSED DECISION

On December 4, 2007, Deborah Myers, Administrative Law Judge, Office of Administrative Hearings, heard this matter in Los Angeles, California.

Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, was represented by Lisette Garcia, Staff Counsel.

Pedro Hernandez (Respondent) represented himself.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision.

FACTUAL FINDINGS

The Administrative Law Judge makes the following factual findings:

1. The Accusation was filed by Maria Suarez, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity.
2. Respondent has been licensed as a real estate salesperson since 1987. His salesperson license terminated when he became licensed as a broker on May 29, 1992. This license will expire on May 28, 2008, unless renewed.

3. Respondent suffered a recent misdemeanor conviction for inflicting corporal injury on a spouse, and the Department seeks discipline against his broker license.

4. On May 2, 2006, in the Superior Court of California, County of Los Angeles, in Case No. 6DY0279, Respondent was convicted, on his plea of nolo contendere, of violating Penal Code section 273.5, subdivision (a) (inflicting corporal injury on a spouse), a misdemeanor and crime of moral turpitude substantially related to the qualifications, functions and duties of a real estate salesperson under California Code of Regulations, title 10, section 2910, subdivision (a)(8).

5. Imposition of sentence was suspended and Respondent was placed on summary probation for three years under certain terms and conditions including the completion of a 52-week domestic violence program and the performance of 18 days of CalTrans service. He was further ordered to pay \$530 in fines and fees and to comply with a restraining order. Respondent is scheduled to remain on probation until May 2, 2009.

6. The facts and circumstances surrounding the conviction are that on March 15, 2006, Respondent became intoxicated while celebrating his fiftieth birthday. He returned home after midnight. Respondent woke up his wife and became enraged because she did not want to clean up the jar of salsa he had just broken. He pulled her out of bed by her hair, dragged her onto the floor, hit her face with a closed fist and choked her to near unconsciousness. Respondent's 15 year-old son and Respondent's wife's 18 year-old son woke up and both witnessed Respondent choking his wife while she gasped for air. They attempted to unsuccessfully pull Respondent away from her. When they tried to stop him, Respondent retaliated. The 18 year-old son tried to call the police, but Respondent intimidated him, shoving him and yelling that he was kicking him out of the house. Respondent punched his 15 year-old son in the face and began choking him also. When the police arrived, they observed red marks and bruising on Respondent's wife's neck. She told the police that Respondent had hit her numerous times before during their two-year marriage, but that she had never called the police before. She requested an emergency protective order for herself and the two boys, which a commissioner issued. It appears this is not an aberrant act of violence.

7. At the administrative hearing, Respondent denied responsibility for his crime. He claimed that the police report was wrong. Respondent denied striking or choking his wife, insisting that it was only an argument. He believed both their older children were mistaken when they reported to the police identical accounts of Respondent committing violent acts against his wife and against them. Respondent denied there were marks left on his wife's neck, as described by the police report and documented by photos. Respondent was not truthful or candid when he testified at the hearing, and his testimony is afforded little weight.

8. Respondent appeared to blame his "sleeping" wife for the altercation, mentioning repeatedly that she was born in Colombia and did not understand the laws of the United States. He failed to sufficiently explain how her lack of knowledge of California laws made her culpable for his violence. Although she was present in the courtroom, Respondent elected not to call his wife as a witness in support of his licensure or in support of his version of events.

9. Respondent did not establish he complied with his probation or the court orders. He did not provide independent proof he was enrolled in and participating in a domestic violence counseling program. Respondent did not establish he had acquired any insights into the reasons for his criminal behavior. He did not establish remorse for his crime.

10. Respondent had been licensed by the Department of Insurance from 1982 until 1986. He has held a notary public commission for 15 years. Respondent believes his criminal conduct was personal and should not affect his salesperson license.

11. Respondent is 51 years old. He had a previous conviction in 1981 for selling insurance without a license, before he so became licensed. There was no evidence of any subsequent criminal convictions.

12. No evidence was presented that any complaints were made concerning any of his real estate transactions. There was no evidence of previous discipline against either his broker or salesperson license.

13. Respondent's intoxicated state during his violent acts served to diminish his capacity to reason and is a factor in mitigation.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists to suspend or revoke Respondent's real estate salesperson license pursuant to Business and Professions Code section 490 and 10177, subdivision (b), for conviction of a crime involving moral turpitude and substantially related to the qualifications, functions and duties of a real estate licensee, as set forth in Findings 3, 4, 5 and 6.

2. Respondent's criminal conviction is fairly recent. Respondent was convicted of a misdemeanor and a crime of moral turpitude. It is substantially related to the qualifications, functions and duties of a real estate salesperson under California

Code of Regulations, title 10, section 2910, subdivision (a)(8) because Respondent intended to and threatened to cause his spouse substantial injury when he struck and choked her.

3. In *Rubio Alcaraz v. Gonzales*, (9th Cir. 2005) 123 Fed. App. 330, and *Frayre-Arreola v. Ashcroft* (9th Cir. 2005) 128 Fed. Appx. 21, the ninth circuit court held that an alien's criminal convictions for violating Penal Code section 273.5, constitute crimes of moral turpitude and therefore the aliens did not have the requisite good moral character to qualify for suspension of deportation proceedings. *People v Hernandez* (1992) 5 CalApp4th 1398, also determined that corporal injury to a spouse involved moral turpitude. Similarly, Respondent's crime is one of moral turpitude because he evinced a general readiness to do evil when he struck and choked his sleeping wife to near unconsciousness.

4. "Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee." *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394 at 402, citing *Golde v. Fox*, 98 Cal.App.3d 167. If an applicant's offenses reflect unfavorably on one's honesty, it may be said he lacks the necessary qualifications to become a real estate salesperson. The Legislature intended that real estate brokers and salespersons be honest, truthful and worthy of the fiduciary responsibilities which they will bear. (*Harrington*, supra.)

5. Respondent was not truthful at the administrative hearing when he testified he did not strike or choke his wife and denied responsibility for his violent act. Respondent's lack of honesty to an Administrative Law Judge reflects poorly on his rehabilitation and on his fitness and qualification to be a real estate licensee.

6. Respondent has not met any of the Department's criteria of rehabilitation set forth at California Code of Regulations, title 10, section 2912. Two years have not passed since his conviction. (Subd. (a).) Respondent has not paid his restitution and fines. (Subds. (b) and (g).) He has not obtained an expungement of his conviction and continues to remain on probation until 2009. (Subds. (c) and (e).) Respondent did not demonstrate new and different social and business relationships. (Subd. (i).) He has a stable but volatile family life, and it is unclear that he has fulfilled his parental and familial responsibilities in this manner. (Subd. (j).) He has no significant and conscientious involvement in his community and church. (Subd. (l).) He has not shown remorse or a change in attitude by accepting responsibility for his actions. (Subd. (m).)

7. Respondent did not establish he made any steps toward his rehabilitation. Rehabilitation is a "state of mind" and the law looks with favor upon rewarding with the opportunity to serve one who has achieved "reformation and regeneration." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards

rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) The evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) Cal.3d 1061, 1070.)

8. In evaluating the evidence presented in favor of continued licensure, such as the long tenure as a real estate broker and the altered state of mind caused by intoxication, against that presented in favor of discipline, such as the recent violent act involving moral turpitude, the lack of rehabilitation, and the recent act of dishonesty, it is concluded that substantial discipline is warranted for the protection of the public, particularly in light of Respondent's dishonesty before an Administrative Law Judge. Therefore, the public interest should be protected with the following order:

ORDER

WHEREBY THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Pedro Hernandez under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to 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 that Code:


1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.
4. Respondent shall, within nine months from the effective date of this

not adopted

not adopted

Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: January 3, 2008


DEBORAH MYERS
Administrative Law Judge
Office of Administrative Hearings

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
JUL 20 2007
DEPARTMENT OF REAL ESTATE
By C. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-34140 LA
12 PEDRO HERNANDEZ,)
13 Respondent.) A C C U S A T I O N
14)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against PEDRO HERNANDEZ, aka Pedro Ramon Hernandez
18 ("Respondent"), is informed and alleges in her official capacity
19 as follows:

20 I

21 Respondent is presently licensed by the Department of
22 Real Estate of the State of California ("Department") as a real
23 estate broker under the Real Estate Law, Part 1 of Division 4 of
24 the California Business and Professions Code ("Code").
25

26 ///

27 ///

II

1
2 Respondent, pursuant to the provisions of Code Section
3 10153.3, was originally licensed as a restricted real estate
4 salesperson by the Department on or about March 9, 1987. The
5 restrictions of Respondent's salesperson license were removed on
6 or about February 6, 1990. Respondent was originally licensed
7 as a real estate broker with the Department on May 29, 1992.

8
9 III

10 On or about May 2, 2006, in the Superior Court of
11 California, County of Los Angeles, in Case No. 6DY02079,
12 Respondent pled nolo contendere to and was convicted of
13 violating Penal Code Section 273.5(A) (inflict corporal injury
14 on spouse), a misdemeanor. The underlying facts of said crime
15 involve moral turpitude and bear a substantial relationship
16 under Section 2910, Title 10, Chapter 6, California Code of
17 Regulations, to the qualifications, functions or duties of a
18 real estate licensee.

19
20 IV

21 The crime of which Respondent was convicted, as
22 alleged in Paragraph III above, constitutes cause under Code
23 Sections 490 and 10177(b) for the suspension or revocation of
24 all licenses and license rights of Respondent under the Real
Estate Law.

25 ///


26 ///

27 ///

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 all licenses and/or license rights of Respondent,
5 PEDRO HERNANDEZ, under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 19th day of July, 2007.

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

24 cc: Pedro Hernandez
25 Sacto.
26 Maria Suarez
27