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FILED

OCT - 7 2010

DEPARTMENT OF REAL ESTATE
BY: Juan B. Diaz

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-36655 LA
)	L-2010080038
RAFAEL L. VALENZUELA,)
))
Respondent.)
))

ORDER DENYING APPLICATION FOR A REAL ESTATE LICENSE

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, required further proof of the honesty and truthfulness of RAFAEL L. VALENZUELA (hereinafter Respondent), in connection with Respondent's application for a real estate salesperson license filed on September 28, 2009, and in relation thereto, filed a Statement of Issues on June 01, 2010. Said Statement of Issues was properly served on Respondent on or about June 01, 2010.

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1 On June 14, 2010, a Notice of Defense having been filed
2 herein within the time prescribed by Section 11506 of the
3 Government Code, the matter was set for hearing at 09:00 AM.,
4 August 19, 2010, in the Office of Administrative Hearings, 320 W.
5 Fourth Street, Suite 630, Los Angeles, California.

6 On August 6, 2010, a Notice of Hearing stating the date,
7 time and location of the hearing was served on Respondent by first
8 class mail.

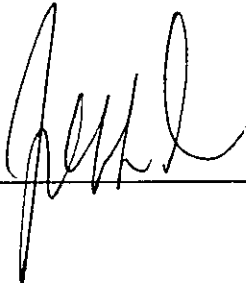
9 No appearance having been made by Respondent or by
10 anyone on his behalf at the noticed time, date and location of the
11 hearing, and upon evidence of compliance with the provisions of
12 Sections 11506 and 11509 of the Government Code, Respondent's
13 default was entered.

14 IT IS THEREFORE ORDERED, pursuant to the authority
15 granted under Section 11520 of the Government Code of the State of
16 California, that the application of RAFAEL L. VALENZUELA for
17 a real estate salesperson license is hereby denied.

18 This Order is effective immediately.

19 DATED: 9-8-2010 .
20

21 JEFF DAVI
22 Real Estate Commissioner

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26
27

1 JAMES DEMUS, Counsel (SBN 225005)
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) 576-6910

FILED

JUN - 1 2010

DEPARTMENT OF REAL ESTATE
BY: R. Medeiros

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-36655 LA
12)
13 RAFAEL L. VALENZUELA,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Joseph Aiu, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against RAFAEL L. VALENZUELA, a.k.a. Ralph Valenzuela, Rafael V.
19 Lopez, Rafael Valenzuela-Lopez and Rafael Lopez Valenzuela
20 ("Respondent"), is informed and alleges in his official capacity
21 as follows:

22 1.

23 On or about September 28, 2009, Respondent made
24 application to the Department of Real Estate of the State of
25 California for a real estate salesperson license.

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1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTION)

3
4 2.

5 On or about June 24, 1993, Respondent was convicted in
6 the State of California, Case No. MWV35268, for violating
7 California Penal Code Section 148.9 (false representation to
8 peace officer), a misdemeanor. Said crime bears a substantial
9 relationship under Section 2910, Title 10, Chapter 6, California
10 Code of Regulations, to the qualifications, functions or duties
11 of a real estate licensee.

12 3.

13 In aggravation, on or about May 17, 1993, Respondent
14 was convicted in the State of California, Case No. 93M05018, for
15 violating California Penal Code Section 12031(a) (carrying a
16 loaded firearm), a misdemeanor.

17 4.

18 The crime of which Respondent was convicted, as
19 alleged in Paragraph 2 above, constitutes cause for denial of
20 Respondent's application for a real estate license under
21 Business and Professions Code Sections 475(a)(2), 480(a) and
22 10177(b).

23 5.

24 (PENDING CRIMINAL CHARGES)

25 On or about January 29, 1999, Respondent was arrested
26 in Riverside County, California for a violation of Penal Code
27 Section 476a (nonsufficient funds checks). On or about April

1 13, 2000, a criminal complaint was filed in the Superior Court
2 of California, County of Riverside, Case No. RIM394668, alleging
3 a violation of Penal Code Section 476a (nonsufficient funds
4 checks), a misdemeanor. On May 5, 2000 an arrest warrant was
5 issued when Respondent failed to appear at his arraignment. The
6 warrant remains active to date.

7 SECOND CAUSE FOR DENIAL

8 (FAILURE TO REVEAL CONVICTION)

9 6.

10 In response to Question 23 of the license application,
11 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
12 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4
13 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT TRAFFIC CITATIONS
14 WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY", Respondent
15 failed to reveal the convictions described in Paragraphs 2 and 3
16 above.

17 7.

18 Respondent's failure to disclose the conviction, as
19 set forth in Paragraph 2 above, in his license application,
20 constitutes an attempt to procure a real estate license by
21 fraud, misrepresentation, or deceit, or by making a false
22 statement of material fact required to be revealed in said
23 application, which is grounds for denial of the issuance of a
24 license under Business and Professions Code Sections 475(a)(1),
25 480(c) and 10177(a).

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1 THIRD CAUSE FOR DENIAL

2 (FAILURE TO REVEAL PENDING CRIMINAL CHARGES)

3 8.

4 In response to Question 24 of the license application,
5 to wit: "ARE THERE CRIMINAL CHARGES PENDING AGAINST YOU AT THIS
6 TIME", Respondent failed to reveal the charges described in
7 Paragraph 5 above.

8 9.

9 Respondent's failure to disclose the charges, as set
10 forth in Paragraph 5 above, in his license application,
11 constitutes an attempt to procure a real estate license by
12 fraud, misrepresentation, or deceit, or by making a false
13 statement of material fact required to be revealed in said
14 application, which is grounds for denial of the issuance of a
15 license under Business and Professions Code Sections 475(a)(1),
16 480(c) and 10177(a).

17 These proceedings are brought under the provisions of
18 Section 10100, Division 4 of the Business and Professions Code
19 of the State of California and Sections 11500 through 11528 of
20 the California Government Code.

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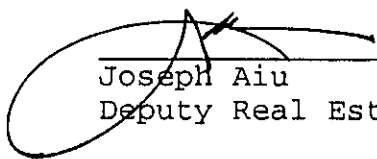
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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, RAFAEL L. VALENZUELA, and for such other and further relief as may be proper in the premises.

Dated at San Diego, California
this 13 day of May, 2010.



Joseph Aiu
Deputy Real Estate Commissioner

cc: Rafael L. Valenzuela
Joseph Aiu
Sacto.