

MAY - 2 2011

DEPARTMENT OF REAL ESTATE
BY: K. M. Scholt

In the Matter of the Accusation of) No. H-36808 LA
)
 LUIS ALFREDO SANCHEZ,) L-2010101164
)
 Respondent.)
)

This Decision shall become effective at 12
o'clock noon on MAY 23 2011.

JEFF DAVIS
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

LUIS ALFREDO SANCHEZ,

Respondent.

Case No. H-36808 LA

OAH No. 2010101164

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on March 8, 2011.

Diane Lee, Staff Counsel, represented Robin Trujillo, (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Luis Alfredo Sanchez (Respondent) represented himself.

Oral and documentary evidence was received, and the matter argued.

The record was closed and case was submitted for decision on March 8, 2011.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. 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 as a real estate salesperson.
3. Respondent was originally licensed as a real estate salesperson on August 13, 2005. His license will expire on August 12, 2013, unless renewed.
4. Respondent has no other administrative actions filed against his license.

5. Respondent was formerly licensed by the Insurance Commissioner, Department of Motor Vehicles and Secretary of State. His Department of Motor Vehicles license and Notary Commission were revoked. He is awaiting a decision on whether the Insurance Commissioner will revoke his license.

5. On December 29, 2008, in the California Superior Court, County of Orange, Respondent, upon his guilty plea, was convicted of violating Penal Code section 459/460 subdivision (b) second degree commercial burglary, a misdemeanor. The court suspended the imposition of sentence and placed Respondent on informal probation for 3 years on certain terms and conditions including completing 20 days of work at Caltrans in lieu of 20 days in county jail, paying restitution to the victim in an amount to be fixed, and paying certain fines and fees. Respondent remains on probation.

6. The facts and circumstances surrounding Respondent's criminal conviction are as follows: Respondent went to a Target store and met his girlfriend and another woman. The girlfriend handed him a camera she had taken off a store shelf and he put it in his shopping cart. They had taken two other digital Polaroid cameras from the store that day. Respondent admitted to the police that they had taken the cameras without paying for them. According to Respondent, his girlfriend took the cameras. He stated that he admitted taking the cameras so that his girlfriend would not be deported with her mother.

7. At the time of the hearing in this matter, Respondent introduced documents showing that he did not need to steal because he had substantial amounts of cash from his real estate commissions. He also denied having taken anything despite contrary statements he made to the police at the time of his arrest. He stated that he was afraid at the time of his arrest.

8. Respondent has no other criminal convictions.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent is bound by his guilty plea and conviction in his criminal case. That issue cannot be litigated in this forum. *Arneson v. Fox* (1980) 28 Cal.3d 440, 448-449.

3. Respondent's 2008 criminal conviction for commercial burglary bears a substantial relationship to the qualifications, functions, and duties of a real estate licensee under California Code of Regulations, title 10, section 2910

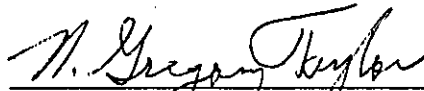
4. Pursuant to the provisions of Business and Profession Code sections 490 and 10177, subdivision (b) cause exists to suspend or revoke Respondent's real estate salesperson license in that he has been convicted of a crime that is substantially related to the qualifications, function, and duties of a real estate licensee.

5. Pursuant to the provisions of California Code of Regulations, title 10, section 2912, the Department has adopted criteria for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. Respondent fails to meet the criteria. Respondent remains on probation. His conviction has not been expunged. Finally, Respondent failed to take responsibility for his actions that resulted in his convictions. Additional time is required, for Respondent to demonstrate his rehabilitation.

ORDER

All licenses and licensing rights of Respondent Luis Alfredo Sanchez, under the Real Estate Law, are revoked

Dated: March 29, 2011.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

DIANE LEE, Counsel (SBN 247222)
Department of Real Estate
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Los Angeles, California 90013

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(Direct) (213) 576-6907

FILED

SEP 15 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36808 LA.
LUIS ALFREDO SANCHEZ,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against LUIS ALFREDO SANCHEZ ("Respondent") alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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 ("Code"), as a real estate salesperson.

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3.

On or about December 29, 2008, in the Superior Court of California, County of Orange, case no. 08CM12574, Respondent was convicted of violating California Penal Code Sections 459/460(b) (second degree commercial burglary), a misdemeanor. Said crime bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

4.

The crime of which Respondent was convicted, as described above, constitutes cause under Sections 490 and 10177(b) of the Business & Professions Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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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 LUIS ALFREDO SANCHEZ, and for such other and further relief as
6 may be proper under applicable provisions of law.

7 Dated at Los Angeles, California: September 8,
8 2010.

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11 Robin Trujillo
12 Deputy Real Estate Commissioner
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25 cc: LUIS ALFREDO SANCHEZ
26 Mayra Veronica Martinez
27 Robin Trujillo
Sacto.