

FILED

MAY 27 2011

DEPARTMENT OF REAL ESTATE
BY: General Nelson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of) NO. H-36980 LA
JOHN CARLOS MONTANO, JR.,)
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 JOHN CARLOS MONTANO, JR. (hereinafter Respondent), in connection with Respondent's application for a real estate salesperson license filed on March 13, 2009, and in relation thereto, filed a Statement of Issues on December 15, 2010.

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1 Said Statement of Issues was properly served on
2 Respondent on or about December 15, 2010, and Respondent has, to
3 date, failed to file a Notice of Defense, request a hearing or
4 otherwise establish that he is entitled to the license sought.

5 IT IS THEREFORE ORDERED, pursuant to the authority
6 granted under Section 11520 of the Government Code of the State of
7 California, that the application of JOHN CARLOS MONTANO, JR. for a
8 real estate salesperson license is hereby denied.

9 This Order is effective immediately.

10 DATED: 5/19/11

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13 Real Estate Commissioner

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FILED

DEC 15 2010

DEPARTMENT OF REAL ESTATE
BY: Janice B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-36980-LA
)
JOHN CARLOS MONTANO JR.,) STATEMENT OF ISSUES
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JOHN CARLOS MONTANO JR., ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about March 13, 2009, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

2.

In aggravation, on or about May 2, 2002, Respondent was convicted in the Superior Court of California, County of Orange, Case No. 01HF1311, for violating California Health and

1 Safety Code Section 11377(a) (possession of a controlled
2 substance), a felony. Respondent was also convicted of violated
3 California Penal Code Section 23152(a) (driving under the
4 influence of alcohol/drugs), a misdemeanor.

5 3.

6 On or about March 1, 2005, Respondent was convicted in
7 the Superior Court of California, County of Orange, Case No.
8 05CM00272, for violating California Vehicle Code Section
9 20002(a) (hit an run with property damage), a misdemeanor. Said
10 crime bears a substantial relationship under Section 2910, Title
11 10, Chapter 6, California Code of Regulations, to the
12 qualifications, functions or duties of a real estate licensee.

13 4.

14 On or about May 16, 2005, Respondent was convicted in
15 the Superior Court of California, County of Orange, Case No.
16 05CF1418, for violating California Health and Safety Code
17 Section 11350(b) (possession of a controlled substance), a
18 felony, and violating California Health and Safety Code Section
19 11375(b)(2) (possession of a designated substance), a
20 misdemeanor. Said crimes bear a substantial relationship under
21 Section 2910, Title 10, Chapter 6, California Code of
22 Regulations, to the qualifications, functions or duties of a
23 real estate licensee.

24 5.

25 On or about December 21, 2005, Respondent was
26 convicted in the Superior Court of California, County of Orange,
27 Case No. 05SF1379, for violating California Vehicle Code Section

23152(b) (driving with a blood alcohol level of .08% or greater), a misdemeanor. Said crime bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

6.

The crimes of which Respondent was convicted, as alleged in Paragraphs 3 through 5 above, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a) and 10177(b).

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

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

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9 Dated at Los Angeles, California

10 this 20th day of October, 2010.

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Maria Suarez
Deputy Real Estate Commissioner

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25 cc: John Carlos Montano Jr.
26 Maria Suarez
27 Sacto.