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FILED

FEB 15 2012

DEPARTMENT OF REAL ESTATE

BY: 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-37884 LA
12)
13 JUSTIN A. KAUTZ,) STATEMENT OF ISSUES
14)
15 Respondent.)
16 _____)

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for Statement of Issues
19 against JUSTIN A. KAUTZ, a.k.a. Justin Allen Kautz or Justin
20 Allan Kautz ("Respondent"), is informed and alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues against Respondent in her official capacity.

25 PRESENT LICENSE APPLICATION OF 2010

26 2.

27 On or about June 24, 2010, Respondent made application
to the Department of Real Estate of the State of California

1 ("Department") for a real estate salesperson license.

2 CRIMINAL CONVICTIONS

3 3.

4 On or about October 22, 2004, in the Superior Court of
5 the State of California, Tulare County, in Case No. VCF107826,
6 Respondent was convicted of violating Vehicle Code Section
7 11550(a) (under influence of a controlled substance - cocaine)
8 and Vehicle Code Sections 23152(a) (driving under the influence
9 of alcohol or drugs) and 23152(b) (driving under the influence
10 with blood alcohol content 0.08% or greater), all misdemeanors.
11 Respondent was sentenced to five years probation and 90 days in
12 county jail; ordered to pay fines; and ordered to register as a
13 narcotic offender pursuant to Health and Safety Code Section
14 11590.

15 4.

16 On or about August 11, 1999, in the Superior Court of
17 the State of California, San Luis Obispo County, in Case No.
18 M000285721, Respondent was convicted of violating Vehicle Code
19 Section 23152(a) (driving under the influence of alcohol or
20 drugs), a misdemeanor. Respondent was sentenced to three years
21 probation and 48 hours in jail; ordered to pay fines; and
22 ordered to complete the driving while intoxicated first offender
23 program.

24 5.

25 These crimes, by their facts and circumstances, bear a
26 substantial relationship under Section 2910, Title 10, Chapter
27

1 6, California Code of Regulations, to the qualifications,
2 functions or duties of a real estate licensee.

3 6.

4 The crimes of which Respondent was convicted
5 constitute cause for denial of Respondent's application for a
6 real estate license under Business and Professions Code Sections
7 475(a)(2), 480(a), and 10177(b).

8 PRIOR APPLICATION OF 2004

9 7.

10 On or about August 12, 2004, Respondent, pursuant to
11 the provisions of Code Section 10153.3, made a previous
12 application ("Prior Application") to the Department of Real
13 Estate of the State of California for a real estate salesperson
14 license, with the knowledge and understanding that any license
15 issued as a result of said application would be subject to the
16 conditions of Code Section 10153.4.

17 8.

18 A Statement of Issues was filed on September 16, 2005
19 in Department Case No. H-1829 FR, on the Prior Application.
20 This matter went to hearing before the Office of Administrative
21 Hearings on November 22, 2005. Respondent appeared on his own
22 behalf. Proposed Decision was rendered on December 20, 2005,
23 ordering the denial of Respondent's license application. The
24 Decision adopting the Proposed Decision became effective on
25 February 9, 2006.

26 These proceedings are brought under the provisions of
27 Section 10100, Division 4 of the Business and Professions Code

1 of the State of California and Sections 11500 through 11528 of
2 the California Government Code.

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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, JUSTIN A. KAUTZ, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 10 day of February, 2012.


Robin Trujillo
Deputy Real Estate Commissioner

cc: JUSTIN A. KAUTZ
Robin Trujillo
Sacto