

File

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FILED

APR 10 2012

DEPARTMENT OF REAL ESTATE
BY: *R. Delgado*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H- 38034 LA
ENGELBERT ELVIS DEL CASTILLO,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for Statement of Issues against ENGELBERT ELVIS DEL CASTILLO aka Engelbert Castillo ("Respondent") alleges as follows:

1.

On or about August 26, 2009, Respondent made application to the Department of Real Estate of the State of California for a real estate broker license.

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1 (CRIMINAL CONVICTIONS)

2 2.

3 On or about April 27, 2007, in the Superior Court of
4 Pomona Courthouse Judicial District, County of Riverside,
5 California, Case No. RIM493490, Respondent was convicted of
6 violating California Vehicle Code Sections 23153(a) (driving
7 under the influence) and 23153(b) (driving under the influence
8 with a blood alcohol level of 0.08 percent or more), both
9 misdemeanors. Said crimes bear a substantial relationship to
10 the qualifications, functions, or duties of a real estate
11 licensee under Section 2910, Title 10, Chapter 6, California
12 Code of Regulations.

13 3.

14 On or about February 6, 2008, in the Superior Court of
15 California, County of Ventura, Case No. 2007044874 M A,
16 Respondent was convicted of violating California Vehicle Code
17 Section 14601.5(a) (driving with a suspended or revoked
18 license), a misdemeanor. Said crime bears a substantial
19 relationship to the qualifications, functions, or duties of a
20 real estate licensee under Section 2910, Title 10, Chapter 6,
21 California Code of Regulations.

22 4.

23 The crimes of which Respondent was convicted as
24 alleged in Paragraphs 2 and 3, above, constitute cause for
25 denial of Respondent's application for a real estate license
26 under California Business and Professions Code Sections
27 475(a)(2), 480(a), and 10177(b).

(FAILURE TO REVEAL CONVICTION)

5.

In response to Part D - Question 1 of his license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY," Respondent answered "Yes," but failed to reveal the conviction described in Paragraph 3, above.

6.

Respondent's failure to reveal this conviction in his license application constitutes knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under California Business and Professions Code Sections 475(a)(1), 480(c), and 10177(a).

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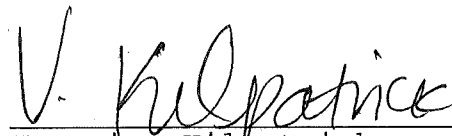
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson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

8 Dated at San Diego, California: 03/16, 2012.

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11 
12 Veronica Kilpatrick
13 Deputy Real Estate Commissioner
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25 cc: ENGELBERT ELVIS DEL CASTILLO
26 Veronica Kilpatrick
27 Sacto