

Sachs Jlas

1 DIANE LEE, Counsel (SBN 247222)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013
5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6907

FILED

JUL 12 2012

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-38257 LA
12)
13 MANUEL R. AVILA ARCEO,) STATEMENT OF ISSUES
14)
15 Respondent.)
16)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, acting in her official
17 capacity, for Statement of Issues against MANUEL R. AVILA ARCEO
18 aka Manuel Ricardo Avila aka Manuel Arceo aka Manuel Ravila
19 Arceo ("Respondent") alleges as follows:

20 1.

21 On or about August 4, 2011, Respondent made
22 application to the Department of Real Estate of the State of
23 California for a real estate salesperson license.

24 ///

25 ///

26 ///

27 ///

1 (CRIMINAL CONVICTIONS)

2 2.

3 On or about April 9, 1997, in the Municipal Court of
4 Huntington Park Courthouse Judicial District, County of Los
5 Angeles, California, Case No. 7SE00949, Respondent was convicted
6 of violating California Penal Code Section 417.4 (brandishing an
7 imitation firearm), a misdemeanor. Said crime bears a
8 substantial relationship to the qualifications, functions or
9 duties of a real estate licensee under Section 2910, Title 10,
10 Chapter 6, California Code of Regulations.

11 3.

12 On or about September 22, 1997, in the Superior Court
13 of Southeast District Judicial District, County of Los Angeles,
14 California, Case No. VA043774, Respondent was convicted of
15 violating California Penal Code Section 12020(a) (possession of
16 a dangerous weapon), a felony. Said crime bears a substantial
17 relationship to the qualifications, functions or duties of a
18 real estate licensee under Section 2910, Title 10, Chapter 6,
19 California Code of Regulations.

20 4.

21 On or about July 27, 1998, in the Municipal Court of
22 Metropolitan Courthouse Judicial District, County of Los
23 Angeles, California, Case No. 8MT08416, Respondent was convicted
24 of violating California Vehicle Code Section 12500(a) (driving
25 without a license), a misdemeanor. Said crime bears a
26 substantial relationship to the qualifications, functions or
27

1 duties of a real estate licensee under Section 2910, Title 10,
2 Chapter 6, California Code of Regulations.

3 5.

4 On or about January 12, 2000, in the Municipal Court
5 of Huntington Park, County of Los Angeles, California, Case No.
6 9SE05053, Respondent was convicted of violating California
7 Vehicle Code Section 14601.1(a) (driving with a suspended
8 license), a misdemeanor. Said crime bears a substantial
9 relationship to the qualifications, functions or duties of a
10 real estate licensee under Section 2910, Title 10, Chapter 6,
11 California Code of Regulations.

12 6.

13 On or about June 16, 2008, in the Superior Court of
14 California, County of Los Angeles, Case No. 16946AS, Respondent
15 was convicted of violating California Vehicle Code Section
16 12500(a) (driving without a valid license) and 40508A (violating
17 written promise to appear), both misdemeanors. Said crimes bear
18 a substantial relationship to the qualifications, functions or
19 duties of a real estate licensee under Section 2910, Title 10,
20 Chapter 6, California Code of Regulations.

21 7.

22 On or about December 4, 2009, in the Superior Court of
23 California, County of Los Angeles, Case No. 8DY04544, Respondent
24 was convicted of violating California Vehicle Code Section
25 14601.1(a) (driving with a suspended license), a misdemeanor.
26 Said crime bears a substantial relationship to the
27 qualifications, functions or duties of a real estate licensee

1 under Section 2910, Title 10, Chapter 6, California Code of
2 Regulations.

3 8.

4 The crimes of which Respondent was convicted as
5 alleged in Paragraphs 2 through 7 constitute cause for denial of
6 Respondent's application for a real estate license under
7 California Business and Professions Code Sections 475(a)(2),
8 480(a), and 10177(b).

9
10 (FAILURE TO REVEAL CONVICTIONS)

11 9.

12 In response to Question 23 of his license application,
13 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
14 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4
15 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT TRAFFIC CITATIONS
16 WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY," Respondent
17 answered "Yes," but failed to reveal the convictions described
18 in Paragraphs 4 and 7, above.

19 10.

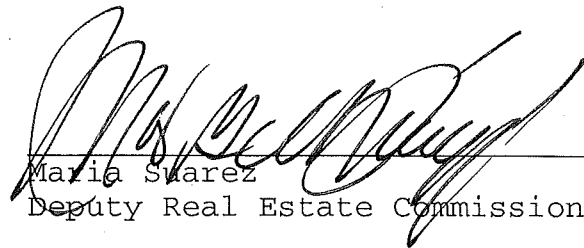
20 Respondent's failure to reveal the convictions in his
21 license application constitutes knowingly making a false
22 statement of material fact required to be revealed in said
23 application, which is grounds for denial of the issuance of a
24 license under California Business and Professions Code Sections
25 475(a)(1), 480(c), and 10177(a).

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.

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

10 Dated at Los Angeles, California: 12 July
11 2012.

12
13
14
15 
16 Maria Suarez
17 Deputy Real Estate Commissioner
18
19
20
21
22
23
24

25 cc: MANUEL R. AVILA ARCEO
26 Maria Suarez
27 Sacto