

*Sachs Flag*

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**FILED**

NOV 22 2013

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )	No. H- 39167 LA
12 SAMUEL RICHARD MARTINEZ, )	<u>STATEMENT OF ISSUES</u>
13 Respondent. )	
14 _____ )	

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against SAMUEL RICHARD MARTINEZ ("Respondent") alleges as  
18 follows:

19 1.

20 The Complainant makes this Statement of Issues against  
21 Respondent in her official capacity as a Deputy Real Estate  
22 Commissioner of the State of California.

23 2.

24 On or about August 6, 2012, Respondent made  
25 application to the Bureau of Real Estate ("Bureau") of the State  
26 of California for a real estate salesperson license.

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1   FIRST CAUSE FOR DENIAL

2   (CRIMINAL CONVICTIONS)

3   3.

4   On or about March 7, 2007, in the Superior Court of  
5 the State of California, County of San Bernardino, in Case  
6 No. FVA027841, Respondent pled guilty and was convicted for  
7 violation of Penal Code Section 215(A) (carjacking) and Penal  
8 Code Section 211 (second degree robbery), both felonies. On or  
9 about April 12, 2007, Respondent was sentenced to three years in  
10 state prison and ordered to pay fines.

11   4.

12   On or about September 22, 1999, in the Superior Court  
13 of the State of California, County of San Bernardino, in Case  
14 No. MWV054436, Respondent pled *nolo contendere* and was convicted  
15 for violation of Penal Code Section 484(A) (petty theft), a  
16 misdemeanor. Respondent was sentenced to two years summary  
17 probation, eight days in jail, and ordered to pay fines. In  
18 addition, Respondent was ordered to pay restitution to the  
19 victim in an amount to be determined, and to stay away from the  
20 victim.

21   5.

22   These crimes, by their facts and circumstances, bear a  
23 substantial relationship under Section 2910, Title 10, Chapter  
24 6, California Code of Regulations, to the qualifications,  
25 functions or duties of a real estate licensee

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1 6.

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

6 SECOND CAUSE FOR DENIAL

7 (FAILURE TO DISCLOSE)

8 7.

9 In response to Question 25 of his license application,  
10 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF THE  
11 LAW? ALL STATE AND FEDERAL MISDEMEANOR AND FELONY CONVICTIONS,  
12 AND ALL MILITARY AND FOREIGN CONVICTIONS MUST BE DISCLOSED.  
13 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 OR A  
14 SIMILAR STATUTE MUST STILL BE DISCLOSED," Respondent answered  
15 "Yes," but did not reveal the conviction described in Paragraph  
16 4 above.

17 8.

18 Respondent's failure to reveal the conviction set  
19 forth herein in Paragraph 4 in his license application  
20 constitutes the attempt to procure a real estate license by  
21 fraud, misrepresentation, or deceit, or by knowingly making a  
22 false statement of material fact required to be revealed in  
23 said, application, which is grounds for denial of the issuance  
24 of a license under California Business and Professions Code  
25 Sections 475(a)(1), 480(c), and 10177(a).

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

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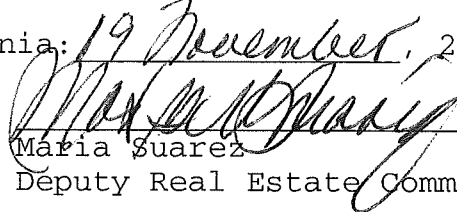
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1                   WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of,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

8 Dated at Los Angeles, California: *19 November, 2013.*

  
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Maria Suarez  
Deputy Real Estate Commissioner

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cc: SAMUEL RICHARD MARTINEZ  
Kenneth James Galasso  
Maria Suarez  
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