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BUREAU OF REAL ESTATE

By *[Signature]*

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-40372 LA
)	
HECTOR JAVIER MARTINEZ,)	<u>STATEMENT OF ISSUES</u>
)	
Respondent.)	

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, acting in her official capacity, for Statement of Issues against HECTOR JAVIER MARTINEZ ("Respondent") alleges as follows:

1.

On or about February 10, 2015, Respondent made application to the Bureau of Real Estate of the State of California for a real estate salesperson license.

FIRST CAUSE OF ACTION

(CRIMINAL CONVICTIONS)

2.

On or about May 24, 1993, in the Municipal Court of San Fernando Courthouse Judicial District, case no. PA011946, Respondent was convicted of violating two counts of

1 California Vehicle Code section 23110(b) (maliciously and willfully throwing rock or other
2 object at a vehicle or occupant thereof) and California Penal Code section 245(c) (assault upon
3 a peace officer or firefighter), all misdemeanors. In part, Respondent was sentenced to two
4 terms of six month in prison to be served consecutively, and pay restitution to the victim for the
5 damaged windshield. Said crimes bear a substantial relationship to the qualifications,
6 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
7 Code of Regulations.

8 3.

9 On or about February 28, 1996, in the Yakima County District Court, State of
10 Washington, case no. D00078528 YPD, Respondent was convicted of violating Y.6.68.010
11 (shoplifting). In part, Respondent was sentenced to 30 days jail with 30 days stayed and to stay
12 away from Safeway for 1 year. Said crime bears a substantial relationship to the qualifications,
13 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
14 Code of Regulations.

15 4.

16 On or about November 7, 1996, in the Everett Municipal Court, State of
17 Washington, case no. CR0016760, Respondent was convicted of violating 10.48.010
18 (disorderly conduct). In part, Respondent was sentenced to 2 years probation and 90 days jail
19 with 90 days suspended. Said crime bears a substantial relationship to the qualifications,
20 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
21 Code of Regulations.

22 5.

23 On or about January 31, 1997, in the Superior Court of Washington for King
24 County, case no. 96-1-05679-7 KNT, Respondent was convicted of violating RCW 9A.48.070
25 1 A (malicious mischief in the first degree). In part, Respondent was sentenced to 60 days of
26 confinement with 22 days credit, pay \$500 plus restitution, stay away from Erika R. and Hurst
27

1 E. for a maximum of 5 years, and enter and complete anger management counseling. Said
2 crime bears a substantial relationship to the qualifications, functions, or duties of a real estate
3 licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

4 6.

5 On or about July 3, 1997, in the Lynnwood Municipal Court, Snohomish
6 County, State of Washington, case no. C00008542 LWP, Respondent was convicted of
7 violating RCW 9A.36.041 (assault in the fourth degree). In part, Respondent was sentenced to
8 pay a \$310 fine and have no contact with 7-11 or Tropicana. Said crime bears a substantial
9 relationship to the qualifications, functions, or duties of a real estate licensee under Section
10 2910, Title 10, Chapter 6, California Code of Regulations.

11 7.

12 On or about September 19, 1997, in the Snohomish County District Court, State
13 of Washington, case no. 121314C WSP, Respondent was convicted of violating RCW
14 46.61.502 (driving under the influence). In part, Respondent was sentenced to 2 years of
15 probation and attend DWI victim's panel within 90 days. Said crime bears a substantial
16 relationship to the qualifications, functions, or duties of a real estate licensee under Section
17 2910, Title 10, Chapter 6, California Code of Regulations.

18 8.

19 On or about August 14, 1998, in the Everett Municipal Court, State of
20 Washington, case no. CR0029933, Respondent was convicted of violating RCW 10.48.010
21 (disorderly conduct). In part, Respondent was sentenced to 90 days jail with 80 days suspended
22 and to have no similar violation within 2 years. Said crime bears a substantial relationship to
23 the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10,
24 Chapter 6, California Code of Regulations.

25 9.

26 On or about November 24, 1999, in the Everett Municipal Court, State of
27

1 Washington, case no. CRP099201 EPD, Respondent was convicted of violating RCW
2 46.52.020 (hit and run). In part, Respondent was sentenced to 365 days of jail with 363 days
3 suspended and pay \$5,000 fine. Said crime bears a substantial relationship to the qualifications,
4 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
5 Code of Regulations.

6 10.

7 On or about August 25, 2006, in the Superior Court of California, County of Los
8 Angeles, case no. 6SR03168, Respondent was convicted of violating California Vehicle Code
9 section 23152(a) (driving with a blood alcohol level of 0.08 percent or more blood alcohol
10 level), a misdemeanor. In part, Respondent was sentenced to 36 months summary probation,
11 serve 13 days jail with 1 day credit, pay various fines and fees, and complete a 3-month first-
12 offender alcohol program. Proof of payment and completion of alcohol program were filed
13 with the court on December 26, 2006. Said crime bears a substantial relationship to the
14 qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10,
15 Chapter 6, California Code of Regulations.

16 11.

17 The crimes of which Respondent was convicted as alleged above constitute
18 cause for denial of Respondent's application for a real estate license under California Business
19 and Professions Code sections 475(a)(2), 480(a), 10177(b), and 10177(j).

20
21 SECOND CAUSE OF ACTION
22 (FAILURE TO REVEAL CONVICTIONS)

23 12.

24 In response to Question 27 of his license application, to wit: "HAVE YOU
25 EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE
26 LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 33
27

1 WITH INFORMATION ON EACH CONVICTION," Respondent answered, "Yes," but failed
2 to reveal the convictions described in Paragraphs 2, 3, 6, 7, and 9, above. The "PARAGRAPH
3 ABOVE" states, in part, "Convictions must be discussed no matter how long ago they
4 occurred . . ."

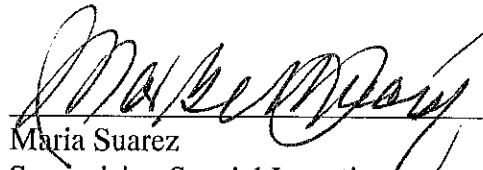
5 13.

6 Respondent's failure to reveal these convictions in his license application
7 constitutes knowingly making false statements of material facts required to be revealed in said
8 application, which is grounds for denial of the issuance of a license under California Business
9 and Professions Code sections 475(a)(1), 480(d), and 10177(a).

10 These proceedings are brought under the provisions of Section 10100, Division
11 4 of the Business and Professions Code of the State of California and Sections 11500 through
12 11528 of the California Government Code.

13 WHEREFORE, the Complainant prays that the above-entitled matter be set for
14 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
15 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
16 Respondent HECTOR JAVIER MARTINEZ and for such other and further relief as may be
17 proper under other applicable provisions of law.

18 Dated at Los Angeles, California: 31 August, 2016.

19
20 
21 Maria Suarez
22 Supervising Special Investigator
23
24

25 cc: HECTOR JAVIER MARTINEZ
26 Maria Suarez
27 Sacto