

1 JUDITH B. VASAN, Counsel (SBN 278115)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6904  
7 Fax: (213) 576-6917  
8 *Attorney for Complainant*

**FILED**

**OCT 26 2018**

**DEPT. OF REAL ESTATE**

By *John Osita*

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of ) No. H-41194 LA  
13 JOSEPH OSITA NWABUZOR JR, ) STATEMENT OF ISSUES  
14 Respondent. )  
15 \_\_\_\_\_ )

16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State  
17 of California, for Statement of Issues against JOSEPH OSITA NWABUZOR JR  
18 (“Respondent”) is informed and alleges in her official capacity as follows:

19 1.

20 On or about June 19, 2017, Respondent made application to the Department of  
21 Real Estate<sup>1</sup> of the State of California for a real estate salesperson license.

22 (CRIMINAL CONVICTIONS)

23 2.

24 On or about October 7, 2003, in the Superior Court of California, County of Los  
25 Angeles, Case No. 3SB05564, Respondent was convicted on a plea of nolo contendere for  
26 \_\_\_\_\_

27 <sup>1</sup> Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 violation of Penal Code section 242 (battery), a misdemeanor. The court suspended the  
2 imposition of sentence and placed Respondent on summary probation for 2 years under certain  
3 terms and conditions, including in part, payment of restitution to the victim, completion of six  
4 (6) anger management sessions, and completing ten (10) days of CalTrans service. On or about  
5 April 12, 2010, Respondent's conviction was dismissed pursuant to Penal Code section 1203.4.

6 3.

7 On or about June 16, 2005, in the Superior Court of California, County of Los  
8 Angeles, Case No. 4SB09242, Respondent was convicted on a plea of nolo contendere for  
9 violation of Vehicle Code section 23152(a) (driving under the influence of alcohol), a  
10 misdemeanor. The court suspended the imposition of sentence and placed Respondent on  
11 summary probation for three (3) years under certain terms and conditions, including in part,  
12 serving thirty (30) days in county jail, completion of a 3-month licensed first-offender alcohol  
13 program, suspension of his driving privilege for one (1) year, and abstaining from the use of  
14 alcoholic beverages. On or about April 12, 2010, Respondent's conviction was dismissed  
15 pursuant to Penal Code section 1203.4.

16 4.

17 On or about June 16, 2005, in the Superior Court of California, County of Los  
18 Angeles, Case No. 5SB03366, Respondent was convicted on a plea of nolo contendere for  
19 violation of Penal Code section 647(f) (disorderly conduct: public intoxication), a  
20 misdemeanor. The court suspended the imposition of sentence and placed Respondent on  
21 summary probation for one (1) year and ordered Respondent to obey all laws. On or about April  
22 12, 2010, Respondent's conviction was dismissed pursuant to Penal Code section 1203.4.

23 5.

24 On or about August 12, 2005, in the Superior Court of California, County of Los  
25 Angeles, Case No. 5SB06044, Respondent was convicted on a plea of nolo contendere for  
26 violation of Penal Code section 666 (petty theft with a prior), a misdemeanor. The court  
27 suspended the execution of sentence of serving three hundred sixty-five (365) days in jail and

1 placed Respondent on summary probation for three (3) years under certain terms and  
2 conditions, including in part, serving thirty (30) days in county jail and completion of thirty (30)  
3 days of CalTrans service. On or about April 12, 2010, Respondent's conviction was dismissed  
4 pursuant to Penal Code section 1203.4.

5 6.

6 On or about June 13, 2013, in the Superior Court of California, County of  
7 Orange, Case No. 12HM13774, Respondent was convicted on a plea of guilty for violation of  
8 Vehicle Code section 23152(b) (driving with blood alcohol 0.08 percent or more with one  
9 prior), a misdemeanor. The court suspended the imposition of sentence and placed Respondent  
10 on informal probation for five (5) years under certain terms and condition, including in part,  
11 payment of fines and fees and serving thirty (30) days in county jail.

12 7.

13 The crimes of which Respondent was convicted, as described in Paragraphs 2  
14 through 6 above, by their facts and circumstances, bear a substantial relationship under Section  
15 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or  
16 duties of a real estate licensee.

17 8.

18 The crimes of which Respondent was convicted, as described in Paragraphs 2  
19 through 6 above, constitute cause for denial of Respondent's application for a real estate license  
20 under California Business and Professions Code sections 480(a) and 10177(b).

21 (IN AGGRAVATION)

22 9.

23 On or about May 8, 2004, the Fountain Valley Police Department, Report No.  
24 04-2273, arrested Respondent for petty theft at a Fry's Electronics store and booked him into  
25 the Orange County Jail.

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(FAILURE TO DISCLOSE CONVICTIONS)

10.

On or about June 19, 2017, Respondent submitted an application for a real estate salesperson license. In response to Question 28 of Respondent's license application, to wit, "HAVE YOU EVER BEEN CONVICTED...OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH INFORMATION ON EACH CONVICTION," Respondent marked "YES" but failed to disclose the convictions as alleged in Paragraphs 3 through 5 above.

11.

Respondent's failure to disclose these convictions, as set forth in Paragraphs 3 through 5 above, in his license application constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or the making of a material misstatement of fact in an application for a real estate license, and is grounds for denial of the issuance of a license under Section 10177(a) of the Code.

12.

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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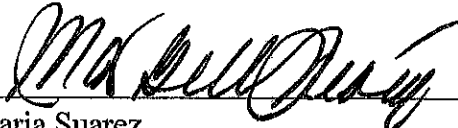
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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent JOSEPH OSITA NWABUZOR JR and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California this 24<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Maria Suarez  
Supervising Special Investigator

cc: JOSEPH OSITA NWABUZOR JR  
Maria Suarez  
Sacto.