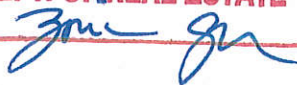


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FILED
JUL 31 2019
DEPT. OF REAL ESTATE
By 

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) No. H-41447 LA
13)
14 ROGER ALAN GUTIERREZ,) STATEMENT OF ISSUES
15)
16 Respondent.)
17)

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
19 State of California, for Statement of Issues against ROGER ALAN GUTIERREZ
20 (“Respondent”) alleges as follows:

21 1.

22 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
23 State of California, makes this Statement of Issues in her official capacity.

24 2.

25 All references to the “Code” are to the California Business and Professions Code
26 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

27 3.

On or about January 18, 2018, Respondent made application to the Department
of Real Estate of the State of California for a real estate salesperson license.

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTIONS)

3 4.

4 July 28, 2016; Nevada Revised Statute ("NRS") Section 484C.110/484C.400 – Felony

5 a. On or about April 28, 2016, in the Eighth District Court, in Clark County in
6 the State of Nevada, Case No. C-16-314486-1, a felony information was filed against
7 Respondent for NRS Section 484C.110/484C.400 (driving and/or being in actual physical
8 control of a motor vehicle while under the influence of an intoxicating liquor or alcohol), a
9 felony.

10 b. On or about July 28, 2016, Respondent pled guilty to and was convicted for
11 violation of NRS Section 484C.110/484C.400 (driving and/or being in actual physical control
12 of a motor vehicle while under the influence of an intoxicating liquor or alcohol), a felony.

13 c. On or about November 14, 2016, the Court issued an order admitting
14 Respondent to probation.

15 5.

16 February 14, 2012; NRS Section 484C.110/484C.440(1)(b) – Misdemeanor

17 a. On December 5, 2011, in the Las Vegas Justice Court, in the State of Nevada,
18 Case No. 10M23790X, Respondent pled no contest to and was convicted for violation of NRS
19 Section 484C.110/484C.440 (driving under the influence – 2nd offense), a misdemeanor.

20 b. On December 5, 2011, the Court suspended the imposition of sentence and
21 placed Respondent on summary probation for 6 months under certain terms and conditions,
22 including, in part, complete DUI school and victim impact panel, payment of \$1,000 restitution,
23 and payment of fines and fees.

24 c. On February 14, 2012, the Court imposed the sentence due to Respondent not
25 complying with the terms of the plea agreement.

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(AGGRAVATING FACTORS)

6.

June 10, 2013; PC Section 647(f) – Misdemeanor

a. On June 10, 2013, in the Superior Court of California, County of Los Angeles, Case No. 740, Respondent pled no contest to and was convicted for violation of PC Section 647(f) (disorderly conduct), a misdemeanor.

b. On the same date, the Court suspended the imposition of sentence and placed Respondent on summary probation for 3 years under certain terms and conditions, including, in part, 1 day jail, payment of \$450 fine (15 days community service in lieu of fine), and payment of other fines and fees.

c. On November 20, 2017, Respondent's conviction was dismissed pursuant to PC Section 1203.4.

7.

November 28, 2012; PC Section 647(f) – Misdemeanor

a. On November 28, 2012, in the Superior Court of California, County of Los Angeles, Case No. D286338, Respondent pled no contest to and was convicted for violation of PC Section 647(f) (disorderly conduct), a misdemeanor.

b. On the same date, the Court suspended the imposition of sentence and placed Respondent on summary probation for 3 years under certain terms and conditions, including, in part, 1 day jail, payment of \$300 fine (10 days community service in lieu of fine), and payment of other fines and fees.

c. On November 20, 2017, Respondent's conviction was dismissed pursuant to PC Section 1203.4.

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1 8.

2 August 10, 2009; PC Section 647(f) – Misdemeanor

3 a. On August 10, 2009, in the Superior Court of California, County of Los
4 Angeles, Case No. **D283765**, Respondent pled no contest to and was convicted for violation of
5 PC Section 647(f) (disorderly conduct), a misdemeanor.

6 b. On the same date, the Court suspended the imposition of sentence and placed
7 Respondent on summary probation for 3 years under certain terms and conditions, including, in
8 part, 8 days CalTrans and payment of fines and fees.

9 c. On November 20, 2017, Respondent's conviction was dismissed pursuant to
10 PC Section 1203.4.

11 9.

12 February 25, 2008; VC Section 23152(a) – Misdemeanor

13 a. On February 25, 2008, in the Superior Court of California, County of Los
14 Angeles, Case No. **8LT00354**, Respondent pled no contest to and was convicted for violation
15 of VC Section 23152(a) (driving under the influence), a misdemeanor.

16 b. On the same date, the Court suspended the imposition of sentence and placed
17 Respondent on summary probation for 48 months under certain terms and conditions,
18 including, in part, 5 days jail, payment of \$450 fine (15 days CalTrans in lieu of fine), complete
19 18 month second-offender alcohol/drug education and counseling program, enroll in SB-38
20 program, complete Hospital and Morgue program, payment of restitution, and payment of other
21 fines and fees.

22 c. On November 20, 2017, Respondent's conviction was dismissed pursuant to
23 PC Section 1203.4.

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1 10.

2 October 22, 2007; PC Section 647(f) – Misdemeanor

3 a. On October 22, 2007, in the Superior Court of California, County of Los
4 Angeles, Case No. **7BF05192**, Respondent pled no contest to and was convicted for violation
5 of PC Section 647(f) (disorderly conduct), a misdemeanor.

6 b. On the same date, the Court suspended the imposition of sentence and placed
7 Respondent on summary probation for 2 years under certain terms and conditions, including, in
8 part, payment of fines and fees.

9 c. On March 9, 2018, Respondent's conviction was dismissed pursuant to PC
10 Section 1203.4.

11 11.

12 November 18, 2005; PC Section 647(f) – Misdemeanor

13 a. On November 18, 2005, in the Superior Court of California, County of Los
14 Angeles, Case No. **D278914**, Respondent pled no contest to and was convicted for violation of
15 PC Section 647(f) (disorderly conduct), a misdemeanor.

16 b. On the same date, the Court suspended the imposition of sentence and placed
17 Respondent on summary probation for 3 years under certain terms and conditions, including, in
18 part, payment of fines and fees (20 days community service in lieu of fine).

19 c. On November 20, 2017, Respondent's conviction was dismissed pursuant to
20 PC Section 1203.4.

21 12.

22 January 13, 2005; PC Section 647 (f) – Misdemeanor

23 a. On January 13, 2005, in the Superior Court of California, County of Los
24 Angeles, Case No. **D278125**, Respondent pled no contest to and was convicted for violation of
25 PC Section 647(f) (disorderly conduct), a misdemeanor.

26 b. On the same date, the Court suspended the imposition of sentence and placed
27 Respondent on summary probation for 3 years under certain terms and conditions, including, in

1 part, 2 days jail, attend 2 alcohol anonymous meetings per week for 52 meetings, and payment
2 of fines and fees.

3 c. On November 20, 2017, Respondent's conviction was dismissed pursuant to
4 PC Section 1203.4.

5 13.

6 December 16, 2002; PC Section 245(a)(1) – Felony

7 a. On December 16, 2002, in the Superior Court of California, County of Los
8 Angeles, Case No. **054097**, Respondent pled no contest to and was convicted for violation of
9 PC Section 245(a)(1) (assault with deadly weapon -- not firearm), a Felony.

10 b. On the same date, the Court suspended the imposition of sentence and placed
11 Respondent on summary probation for 3 years under certain terms and conditions, including, in
12 part, 180 days house arrest and payment of fines and fees.

13 c. On December 19, 2017, Respondent's conviction was dismissed pursuant to
14 PC Section 1203.4.

15 14.

16 April 29, 2002; VC Section 23152(b) – Misdemeanor

17 a. On April 29, 2002, in the Superior Court of California, County of Los
18 Angeles, Case No. **2CM02752**, Respondent pled no contest to and was convicted for violation
19 of VC Section 23152(b) (driving under the influence with blood alcohol level of 0.08% or
20 more), a misdemeanor.

21 b. On the same date, the Court suspended the imposition of sentence and placed
22 Respondent on summary probation for 36 months under certain terms and conditions,
23 including, in part, 2 days jail, complete 3 month licensed first offender alcohol/drug education
24 and counseling, restricted driving, and payment of \$330 fines and other fines and fees.

25 c. On November 13, 2017, Respondent's conviction was dismissed pursuant to
26 PC Section 1203.4.

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15.

The crimes of which Respondent was convicted, by their facts and circumstances, bear a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

16.

The crimes of which Respondent was convicted, as described in Paragraphs 4 through 9 above, constitute cause for denial of Respondent's application for a real estate license under California Business and Professions Code sections 480(a)(1) and 10177(b).

PRAYER

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 ROGER ALAN GUTIERREZ and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California this 23 day of July, 2019.


Veronica Kilpatrick
Supervising Special Investigator

cc: ROGER ALAN GUTIERREZ
Veronica Kilpatrick
Sacto.