

FILED

SEP 26 2024

DEPT. OF REAL ESTATE

By [REDACTED]

1 LAURENCE D. HAVESON, Counsel (SBN 152631)
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) 576-6854
7 Fax: (213) 576-6917
8 Email: Laurence.Haveson@dre.ca.gov
9 Attorney for Complainant

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

10 * * *

11 In the Matter of the Application of: No. H-42987-LA
12 SERGIO NEMESIO GONZALES, STATEMENT OF ISSUES
13 Respondent.

15 Complainant, Ray Dagnino, a Supervising Special Investigator for the Department of Real
16 Estate (“Department”) of the State of California, for cause of for Statement of Issues against
17 SERGIO NEMESIO GONZALES, also known as Sergio Gonzales and Sergio Gonzalez,
18 (“Respondent”), is informed and alleges in his official capacity as follows:

19 1. On or about June 12, 2023, Respondent made application to the Department for a
20 real estate salesperson license.

21 CAUSE FOR DENIAL

22 (CRIMINAL CONVICTION)

23 2. On or about October 24, 2013, in the Superior Court of California for the County of
24 Los Angeles, in the case of *People of the State of California v. Sergio Gonzalez*, Case No. TA126888
25 (“Case No. TA126888”), Respondent was convicted by a jury of violation of:

26 a. Penal Code section 245(a)(1) (assault with a deadly weapon, to wit, a tire
27 iron, upon Luis Aguilera (Count 1)), a felony, and the jury further found true that in the

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1 commission of this offense, Respondent personally inflicted great bodily injury upon Luis
2 Aguilera within the meaning of Penal Code section 12022.7(a);

3 b. Penal Code section 245(a)(4) (assault by means likely to produce great bodily
4 injury upon Luis Aguilera (Count 2)), a felony, and the jury further found true that in the
5 commission of this offense, Respondent personally inflicted great bodily injury upon Luis
6 Aguilera in violation of Penal Code section 12022.7(a);

7 c. Penal Code section 245(a)(1) (assault with a deadly weapon, to wit, a tire
8 iron, upon Nataly Mora (Count 3)), a felony, and the jury further found true that in the
9 commission of this offense, Respondent personally inflicted great bodily injury upon Luis
10 Aguilera within the meaning of Penal Code section 12022.7(a);

11 d. Penal Code section 245(a)(4) (assault by means likely to produce great bodily
12 injury upon Nataly Mora (Count 4)), a felony, and the jury further found true that in the
13 commission of this offense, Respondent personally inflicted great bodily injury upon Luis
14 Aguilera within the meaning of Penal Code section 12022.7(a); and

15 e. Penal Code section 245(a)(4) (assault by means likely to produce great bodily
16 injury upon Joel Mora (Count 5)).

17 3. On or about November 25, 2013, in Case No. TA126888, the court sentenced
18 Respondent to be imprisoned in state prison for a total of nine (9) years, with credit for 320 days, to
19 pay assessments, a restitution fine, and a fee.

20 4. In aggravation, on or about October 21, 2010, in the Superior Court of California for
21 the County of Los Angeles, in the case of *People of the State of California v. Sergio Gonzalez*, Case
22 No. TA114336, Respondent was convicted on a plea of nolo contendere for violation of Penal Code
23 section 594(a) (vandalism). On or about January 10, 2011, the court ordered the complaint deemed
24 amended to allege the violation as a misdemeanor. The court then suspended imposition of sentence
25 and placed Respondent on summary probation for a period of 36 months subject to terms and
26 conditions including but not limited to: serving one (1) day jail time, with credit for one (1) day;
27 paying assessments and a restitution fine; and performing 10 days of community service.

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1 5. The crimes for which Respondent was convicted, as described in Paragraph 2 above,
2 by their facts and circumstances, bear a substantial relationship under Section 2910, Title 10, Chapter
3 6, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

4 6. The crimes for which Respondent was convicted, as alleged in Paragraph 2 above,
5 are serious felonies, as defined in Penal Code section 1192.7, subdivisions (c)(8) (felony in which
6 the defendant personally inflicts great bodily injury on any person, other than an accomplice), and
7 (c)(23) (any felony in which the defendant personally used a dangerous or deadly weapon).

8 7. The crimes for which Respondent was convicted, as alleged in Paragraph 2 above,
9 constitute cause for denial of Respondent's application for a real estate license under California
10 Business and Professions Code sections 480(a)(1) and 10177(b).

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

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

19 Dated at Los Angeles, California September 26, 2024.

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22 Ray Dagnino
23 Supervising Special Investigator
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cc: SERGIO NEMESIO GONZALEZ
Ray Dagnino
Sacto.