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FILED

SEP 26 2024

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of:

No. H-42987-LA

SERGIO NEMESIO GONZALES,

STATEMENT OF ISSUES

Respondent.

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

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

CAUSE FOR DENIAL

(CRIMINAL CONVICTION)

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

a. Penal Code section 245(a)(1) (assault with a deadly weapon, to wit, a tire 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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Ray Dagnino  
Supervising Special Investigator

24 cc:   SERGIO NEMESIO GONZALEZ  
25       Ray Dagnino  
26       Sacto.  
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