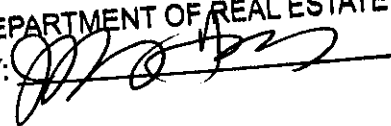


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MAY 21 2009

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY: 

* * * * *

In the Matter of the Accusation of)	No. H-35359 LA
))
MARIO EMILIO MEDRANO,) L-2008120452
))
))
Respondent.)
))

DECISION

The Proposed Decision dated April 7, 2009, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following change is made to the Proposed Decision:

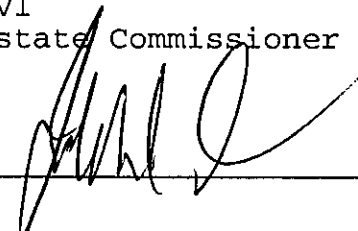
Order, page 4, 1st paragraph, line 1, "Respondent Erik Anthony Armstrong" is amended to read "Respondent Mario Emilio Medrano".

This Decision shall become effective at 12 o'clock noon on June 10, 2009.

IT IS SO ORDERED

5/15/09

JEFF DVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the accusation Against:

MARIO EMILIO MEDRANO,

Respondent.

Case No.: H-35359 LA

OAH No.: L2008120452

PROPOSED DECISION

This matter came on regularly for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on March 17, 2009.

Julie L. To, Real Estate Counsel, represented Complainant.

Respondent Mario Emilio Medrano (Respondent) was present throughout the hearing and represented himself.

Oral and documentary evidence was received, the matter argued. At the request of the Administrative Law Judge the record was held open until April 2, 2009 to allow Complainant to submit for the Administrative Law Judge's consideration language for a prospective order. Same was received on March 25, 2009, and the matter was then deemed submitted for decision.

FACTUAL FINDINGS

Parties

1. Complainant Robin Trujillo, Deputy Real Estate Commissioner of the State of California, made and filed the Accusation in this proceeding in her official capacity and not otherwise.

2. Respondent is presently licensed by the Department of Real Estate of the State of California (Department) as a restricted real estate salesperson under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code.

Licensing History

3. Respondent Mario Emilio Medrano was licensed by the Department as a real estate salesperson, license ID#01383702. The license was originally issued on or about June 3, 2003. On October 18, 2005, the Department adopted the proposed decision of Administrative Law Judge Mark T. Roohk, following a hearing on August 29, 2005, revoking the licenses and licensing rights of Respondent under the Real Estate Law provided, however, a restricted real estate salesperson license was issued to Respondent pursuant to Business and Professions Code section 10156.5. Respondent's three alcohol related driving convictions were the basis of the discipline.

4. On December 3, 2005, Respondent was first issued a restricted real estate salesperson license by the Department on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order in Case No. H-31915 LA. The license was suspended by the Real Estate Commissioner on October 28, 2008 pending final determination after this hearing. The basis of the Commissioner's action was Condition 2 of the restricted license.

- 2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner of conditions attaching to the restricted license.

Breach of Condition

5. Included in the terms, conditions, and restrictions of the restricted license was the following express condition (Condition 6):

- 6. Within 30 days of the effective date of this Decision, Respondent shall begin attendance at a chemical dependency support group (e.g., Alcoholics Anonymous). Verified documentation of attendance shall be submitted by Respondent on monthly basis. Respondent shall continue attendance in such a group for the duration of probation.

6. Respondent has failed to submit proof of participation in a recognized chemical dependency support program for the months December 2005; January through December, 2006; January through December, 2007; and January through September, 2008.

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Supplemental Findings

7. Since the issuance of his restricted license Respondent – after a marital difficulties –has changed addresses a number of times but failed to keep any records or documents to indicate compliance with Condition 6. He did, at the hearing, proffer a certificate of completion and compliance, dated December 28, 2005, of a Court ordered drinking driver treatment program. That, in and of itself, falls far short of compliance with Condition 6.

8. Respondent’s Alcoholics Anonymous (AA) sponsor did testify on behalf of Respondent and did corroborate Respondent’s testimony that Respondent did faithfully attend AA meetings at the Second Street facility in Westwood and that Respondent continues – on a weekly basis – to attend AA meetings. However, Respondent has yet to document his attendance at such meetings and remains out of compliance with Condition 6.

9. At present Respondent is employed by the City and County of San Francisco Health Service Department as a care provider for the elderly. He seeks to supplement his income to provide financial support for his two children by use of his real estate license. His present sponsoring broker is Dave Fransworth. While previously licensed in an unrestricted or restricted status Respondent has not acted with deception or deceit, but other than for his non-compliance with Condition 6, has been a trustworthy licensee.

LEGAL CONCLUSIONS

1. Business and Professions Code section 10177, subdivision (k) provides:

The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation’s stock has done any of the following:

- - -

- (k) Violated any of the terms, conditions, restrictions, and limitations contained in an order granting a restricted license.

- - -

2. Cause exists for suspension or revocation of Respondent's restricted real estate salesperson license and all license rights under Business and Professions Code section 10177, subdivision (k) by reason of Finding 6.

Disposition

3. The breach of Condition 6 is a serious, wrongful act by Respondent and is sufficient cause for outright revocation of his licensing privileges. However, Respondent did present credible evidence from his AA sponsor that he has been faithful in his AA attendance during his period of probation. Accordingly, by the Order which follows Respondent will be granted one more opportunity to fully comply with the Department's disclosure requirements.

ORDER

mario Emilio Medrano

All licenses and licensing rights of Respondent Erik Anthony Armstrong under the Real Estate Law are revoked, provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real state the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until three years have elapsed from the effective date of this Decision.


4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating activities for which a real estate license is granted.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Within 30 days of the effective date of the Commissioner's Decision, Respondent shall begin attendance at a recognized chemical dependency support program and shall submit verified documentation of attendance to the Department on a monthly basis to the Crisis Respondent Team Manager at 320 West 4th Street, Suite 350, Los Angeles, CA 90013-1105. Respondent shall continue attendance in such a program until Respondent successfully applies for the issuance of an unrestricted real estate license.

Dated: April 7, 2009


RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

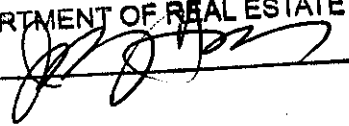
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OCT 31 2008

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35359 LA
MARIO EMILIO MEDRANO,)
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: MARIO EMILIO MEDRANO
2116 W. Forry Street
Lancaster, CA 93536

On December 3, 2005, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of October 18, 2005, in Case No. H-31915 LA. This Order which became effective on November 9, 2005, provided that the right to a restricted real estate salesperson license was subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed

1 under authority of Section 10156.5 of said Code ("Code"). Among
2 those terms, conditions and restrictions, Respondent was required
3 to submit proof of ongoing participation in a recognized chemical
4 dependency support program on a monthly basis during the term of
5 any restricted license.

6 On October 9, 2008, in Case No. H-35359 LA, an
7 Accusation by a Deputy Real Estate Commissioner of the State of
8 California was filed charging Respondent with a violation of
9 Section 10177(k) of the Code in that Respondent has failed to
10 provide monthly reports of participation in a recognized chemical
11 dependency support program for the months December 2005; January
12 through December 2006; January through December 2007; and January
13 through September 2008.

14 NOW, THEREFORE, IT IS ORDERED under authority of
15 Section 10156.7 of the Business and Professions Code of the State
16 of California that the restricted real estate salesperson license
17 heretofore issued to Respondent and the exercise of any
18 privileges thereunder is hereby suspended pending final
19 determination made after the hearing on the aforesaid Accusation.

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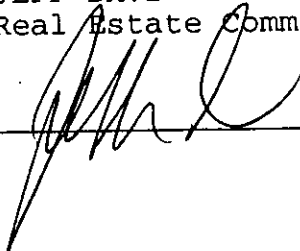
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IT IS FURTHER ORDERED that all license certificates
and identification cards issued by Department which are in the
possession of Respondent be immediately surrendered by personal
delivery or by mailing in the enclosed, self-addressed envelope
to:

Department of Real Estate
Attn: Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall be effective immediately.

DATED: 10-28-88

JEFF DAVI
Real Estate Commissioner


1 JULIE L. TO, Counsel (SBN 219482)
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) 576-6916

FILED

OCT - 9 2008

DEPARTMENT OF REAL ESTATE

BY: [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35359 LA
12)
13 MARIO EMILIO MEDRANO,) A C C U S A T I O N
14) Respondent.)

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of
17 Accusation against MARIO EMILIO MEDRANO ("Respondent"), is
18 informed and alleges in her official capacity as follows:
19

20 I

21 Respondent is presently licensed by the Department of
22 Real Estate of the State of California ("Department") as a
23 restricted real estate salesperson under the Real Estate Law,
24 Part 1 of Division 4 of the California Business and Professions
25 Code ("Code").
26

27 ///

II

1
2 On or about December 3, 2005, Respondent was first
3 issued a restricted real estate salesperson license by the
4 Department on the terms, conditions and restrictions set forth
5 in the Real Estate Commissioner's Order in Case No. H-31915 LA.

6
7 III

8 Included in said terms, conditions, and restrictions,
9 were the following:

10 "6. Within 30 days of the effective date of
11 this Decision, Respondent shall begin
12 attendance at a chemical dependency support
13 group (e.g., Alcoholics Anonymous).
14 Verified documentation of attendance shall
15 be submitted by Respondent on monthly basis.
16 Respondent shall continue attendance in such
17 a group for the duration of probation."

18
19 IV

20 Respondent has failed to submit proof of
21 participation in a recognized chemical dependency support
22 program for the months December 2005; January through December
23 2006; January through December 2007; and January through
24 September 2008.

25
26 V

27 The facts set forth above are grounds for the
suspension or revocation of Respondent's restricted real estate
salesperson license and all license rights under Code Section
10177(k).

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of
5 Respondent, MARIO EMILIO MEDRANO, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 8 day of October, 2008.

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13 
14 Robin Trujillo
15 Deputy Real Estate Commissioner
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26 cc: MARIO EMILIO MEDRANO
27 Robin Trujillo
Sacto.