

1 DEPARTMENT OF REAL ESTATE  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

JAN 25 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

11 *In the Matter of the Application of*

No. H- 5494 SAC

12 JOE JOHN ALVES,

STIPULATION AND WAIVER

13 Respondent

15 I, JOE JOHN ALVES, Respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to  
20 Respondent filed by the Department of Real Estate on October 14, 2010, in connection with my application  
21 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on  
22 this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to  
23 prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted  
24 real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the  
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a  
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I  
27 further understand that by entering into this Stipulation and Waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and  
4 correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate  
5 salesperson license to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing  
7 and the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to  
12 a restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised  
14 including the right of renewal, and the Real Estate Commissioner may by  
15 appropriate order suspend the right to exercise any privileges granted under this  
16 restricted license in the event of:
  - 17 a. Respondent's conviction (including a plea of nolo contendere) of a crime  
18 which bears a substantial relationship to Respondent's fitness or capacity as  
19 a real estate licensee; or
  - 20 b. The receipt of evidence that Respondent has violated provisions of the  
21 California Real Estate Law, the Subdivided Lands Law, Regulations of the  
22 Real Estate Commissioner, or conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate  
24 license nor the removal of any of the conditions, limitations, or restrictions  
25 attaching to the restricted license until two years have elapsed from the date of  
26 issuance of the restricted license to Respondent.

27 ///

1                   3. With the application for license, or with the application for transfer to a new  
2                   employing broker, I shall submit a statement signed by the prospective  
3                   employing broker on a form approved by the Department of Real Estate wherein  
4                   the employing broker shall certify as follows:

5                   a. That broker has read the Statement of Issues which is the basis for the  
6                   issuance of the restricted license; and

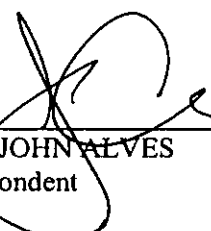
7                   b. That broker will carefully review all transaction documents prepared by the  
8                   restricted licensee and otherwise exercise close supervision over the  
9                   licensee's performance of acts for which a license is required.

10                  4. Respondent shall notify the Commissioner in writing within 72 hours of any  
11                  arrest by sending a certified letter to the Commissioner at the Department of  
12                  Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter  
13                  shall set forth the date of Respondent's arrest, the crime for which Respondent  
14                  was arrested and the name and address of the arresting law enforcement agency.  
15                  Respondent's failure to timely file written notice shall constitute an independent  
16                  violation of the terms of the restricted license and shall be grounds for the  
17                  suspension or revocation of that license.

18                  Respondent can signify acceptance and approval of the terms and conditions of this  
19                  Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the  
20                  Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by  
21                  electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation  
22                  and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the  
23                  Department had received the original signed Stipulation and Waiver.

24                  ✓/5 / 11

25                  \_\_\_\_\_  
26                  Dated

24                    
25                  \_\_\_\_\_  
26                  JOE JOHN ALVES  
27                  Respondent

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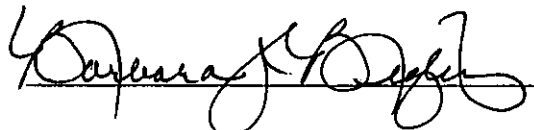
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent JOE JOHN ALVES, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 1/14, 2011.

JEFF DAVI  
Real Estate Commissioner



BY: Barbara J. Bigby  
Chief Deputy Commissioner

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED

OCT 14 2010

DEPARTMENT OF REAL ESTATE

By B. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 )  
13 ) NO. H-5494 SAC  
14 ) STATEMENT OF ISSUES  
15 )  
16 ) Respondent. )

17 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy  
18 Real Estate Commissioner of the State of California (hereinafter "Complainant"), for cause of  
19 Statement of Issues against JOE JOHN ALVES (hereinafter "Respondent"), also known as  
20 "Joseph John Alves", alleges as follows:

21 1

22 On approximately April 12, 2010, Respondent made application to the  
23 Department of Real Estate of the State of California (hereinafter "the Department") for a real  
24 estate salesperson license.

25 2

26 On or about April 2, 2002, in the Fayette County District Court, State of  
27 Kentucky, Case No. 02-F-01516, Respondent was convicted of violating Section 514030 of the  
Kentucky Revised Statutes (Theft), a misdemeanor, and a crime which bears a substantial  
relationship under Section 2910, Title 10, of the California Code of Regulations ("the  
Regulations"), to the qualifications, functions or duties of a real estate licensee.

On or about September 14, 2001, in the Fayette County District Court, State of Kentucky, Case No. 01-T-26056, Respondent was convicted of violating Section 189A.010(5)(a) of the Kentucky Revised Statutes (DUI with BAC of 0.08% or Higher) a misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of the Regulations, to the qualifications, functions or duties of a real estate licensee.

PRIOR ADMINISTRATIVE PROCEEDINGS

Effective February 26, 2007, in Case No. H-4561 SAC, before the Department, the Real Estate Commissioner denied Respondent's application for a real estate salesperson license pursuant to Sections 480(a) and 10177(b) of the Business and Professions Code (hereinafter "the Code").

The facts described in Paragraphs 2 and 3, above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) (Denial of License by Board - Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

WHEREFORE, 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, and for such other and further relief as may be proper under the provisions of the law.

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 27<sup>th</sup> day of September, 2010.