

FILED

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

August 17, 2011

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By 

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9 **DEPARTMENT OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11
12 *In the Matter of the Application of*

13 ANITA RICO,

14
15 Respondent.

) No. H-5598 SAC

) **STIPULATION**
) **AND WAIVER**

16
17 It is hereby stipulated by and between ANITA RICO (hereinafter "Respondent"), acting by and
18 through her attorney KELLY T. SMITH, and the Complainant, acting by and through ANNETTE E.
19 FERRANTE, Counsel for the Department of Real Estate, as follows for the purpose of settling and
20 disposing of the Statement of Issues filed on May 10, 2011 in this matter:

21 Respondent acknowledges that Respondent has received and read the Statement of Issues and
22 the Statement to Respondent filed by the Department of Real Estate in connection with
23 Respondent's application for a real estate salesperson license. Respondent understands that the
24 Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of
25 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
26 therein, or that she may in her discretion waive the hearing and grant Respondent a restricted real
27

1 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands
2 that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the
3 burden to Respondent to make a satisfactory showing that Respondent meets all the requirements
4 for issuance of a real estate salesperson license. Respondent further understands that by entering
5 into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
6 has found that Respondent has failed to make such a showing, thereby justifying the denial of the
7 issuance to Respondent of an unrestricted real estate salesperson license.

8 Respondent hereby admits that the allegations of the Statement of Issues filed against
9 Respondent are true and correct and requests that the Real Estate Commissioner in her discretion
10 issue a restricted real estate salesperson license to Respondent under the authority of Section
11 10156.5 of the Business and Professions Code.

12 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
13 Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
14 Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this
15 Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not
16 waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or
17 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

18 Respondent further understands that the following conditions, limitations, and restrictions will
19 attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 20 1. The license shall not confer any property right in the privileges to be exercised including
21 the right of renewal, and the Real Estate Commissioner may by appropriate order suspend
22 the right to exercise any privileges granted under this restricted license in the event of:
- 23 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which
24 bears a substantial relationship to Respondent's fitness or capacity as a real estate
25 licensee; or

1 b. The receipt of evidence that Respondent has violated provisions of the California
2 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
3 Commissioner or conditions attaching to this restricted license.

4 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
5 license nor the removal of any of the conditions, limitations, or restrictions attaching to
6 the restricted license until four (4) years have elapsed from the date of issuance of the
7 restricted license to Respondent.


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

15 4. With the application for license, or with the application for transfer to a new employing
16 broker, Respondent shall submit a statement signed by the prospective employing broker
17 on a form approved by the Department of Real Estate wherein the employing broker shall
18 certify as follows:

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

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

24
25 7/21/11
26 Dated

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ANNETTE E. FERRANTE,
Counsel for Department of Real Estate

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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, 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 August 11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

William F. Moran

FILED
MAY 10 2011

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4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)
7 Fax (916) 227-9458

DEPARTMENT OF REAL ESTATE
By [Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) No. H- 5598 SAC
ANITA RICO,) STATEMENT OF ISSUES
Respondent.)

The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real Estate Commissioner of the State of California (hereinafter "Complainant"), for Statement of Issues against ANITA RICO, also known as "Anita Louise Segoviano" and "Anita Sequoiano" (hereinafter "Respondent"), alleges as follows:

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On or about April 21, 2010, Respondent made application to the State of California Department of Real Estate for a real estate salesperson license.

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In response to Question 1 of Part D of said application, to wit: "Have you ever been convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section

1 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a
2 misdemeanor or felony," Respondent concealed and failed to disclose the convictions described
3 in Paragraphs 3, 4, 6 and 7, below.

4 3

5 On or about December 7, 1995, in the Superior Court of the State of California,
6 County of Yolo, in Case No. 95-4468, Respondent was convicted of violating Section
7 10980(c)(2) of the California Welfare and Institutions Code (Fraudulent Receipt of Aid), a
8 misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of
9 the California Code of Regulations (hereinafter "the Regulations"), to the qualifications,
10 functions or duties of a real estate licensee.

11 4

12 On or about December 3, 1990, in the Superior Court of the State of California,
13 County of Yolo, in Case No. 2-42553, Respondent was convicted of violating Section 148 of the
14 California Penal Code (Obstruct/Resist Police Officer), a misdemeanor, and a crime which bears
15 a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions
16 or duties of a real estate licensee.

17 5

18 In 1983, in the Superior Court of the State of California, County of Yolo, in Case
19 No. 2-05793, Respondent was convicted of violating Section 23152(a) of the California Vehicle
20 Code (DUI), a misdemeanor, and a crime which bears a substantial relationship under Section
21 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

22 6

23 On or about October 9, 1981, in the Superior Court of the State of California,
24 County of Yolo, in Case No. 2-02215, Respondent was convicted of violating Section 23102(a)
25 of the California Vehicle Code [known since 1982 as Section 23152(a)] (DUI), a misdemeanor,
26 and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the
27 qualifications, functions or duties of a real estate licensee.

On or about August 10, 1977, in the Superior Court of the State of California, County of Sacramento, in Case No. 224857, Respondent was convicted of violating Section 488 of the California Penal Code (Petty Theft), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

Respondent's failure to reveal in her application for a real estate salesperson license the convictions set forth in Paragraphs 3, 4, 6 and 7, above, constitutes the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(c) (Denial of License by Board - False Statement of Fact on Application) and 10177(a) (Further Grounds for Disciplinary Action - Attempted Procurement of License by Fraud/Misrepresentation/Deceit/Material Misstatement) of the California Business and Professions Code (hereinafter "the Code").

The facts alleged in Paragraphs 3 through 7, 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.

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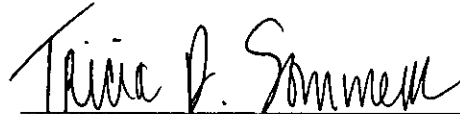
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1 WHEREFORE, Complainant prays that the above-entitled matter be set for
2 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
3 authorize the issuance of, and deny the issuance of a real estate salesperson license to
4 Respondent, and for such other and further relief as may be proper under the provisions of the
5 law.

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8 TRICIA D. SOMMERS
9 Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 5th day of May, 2011.