

**FILED**

**JUN 03 2020**

**DEPARTMENT OF REAL ESTATE**

By           *R. dew*          

1 Department of Real Estate  
2 P.O. Box 137007  
3 Sacramento, CA 95813-7007  
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**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

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In the Matter of the Application of  
  
          TIANA NICOLE LOPEZ,  
  
                                  Respondent.

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}  
}  
DRE No. H-6936 SAC

**STIPULATION AND WAIVER**

(B&P 10100.4)

TIANA NICOLE LOPEZ, ("Respondent") does hereby affirm that on April 25, 2019, she applied to the Department of Real Estate ("Department") for a real estate salesperson license, and that to the best of her knowledge she satisfied all of the statutory requirements for the issuance of the license, including, but not limited to, the payment of the fee therefore.

**FACTUAL BASIS**

On or about November 22, 1999, in the Superior Court of California, County of Santa Clara, Case No. C9893387, Respondent was convicted of violating Section 12500 (a) of the California Vehicle Code.

On or about February 5, 2003, in the Superior Court of California, County of Yolo, Case No. 02-4751, Respondent was convicted of violating Section 23103/23103.5 of the California Vehicle Code.

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1 a real estate salesperson license thereby justifying the denial of the issuance to her of an unrestricted  
2 real estate salesperson license.

3 Respondent hereby admits the above Factual Basis is true and correct and requests  
4 that the Commissioner issue a restricted real estate salesperson license to Respondent under the  
5 authority of section 10100.4 and 10156.5 of the Code. Respondent understands that any such  
6 restricted license will be issued subject to the provisions of and limitations of sections 10156.6 and  
7 10156.7 of the Code.

8 Respondent understands that by signing this Stipulation and Waiver, provided this  
9 Stipulation and Waiver is accepted and signed by the Commissioner, the Commissioner will not file  
10 a Statement of Issues based on the grounds herein, and Respondent is waiving her right to a hearing  
11 and the opportunity to present evidence at the hearing to establish her rehabilitation in order to  
12 obtain an unrestricted real estate salesperson license. Respondent is not waiving her right to a  
13 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and  
14 Waiver is not accepted by the Commissioner.

15 Respondent agrees that by signing this Stipulation and Waiver, the conditions,  
16 limitations, and restrictions imposed on Respondent's restricted salesperson license, identified  
17 below, may be removed only by filing a Petition for Removal of Restrictions ("Petition") with the  
18 Commissioner, and that Respondent's Petition must follow the procedures set forth in Government  
19 Code Section 11522. Respondent understands that this Stipulation and Waiver, which was executed  
20 pursuant to the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by  
21 the Department.

22 Respondent further understands that the restricted salesperson license issued to  
23 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the  
24 following limitations, conditions, and restrictions imposed under the authority of Section 10156.6 of  
25 the Code:

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1                   1. The restricted salesperson license shall not confer any property right in the  
2 privileges to be exercised and the Commissioner may by appropriate order suspend the right to  
3 exercise any privileges granted under this restricted license in the event of:

4                   (a) Respondent's conviction (including a plea of nolo contendere)  
5                   of a crime which bears a substantial relationship to Respondent's  
6                   fitness or capacity as a real estate licensee; or

7                   (b) The receipt of evidence that Respondent has violated provisions  
8                   of the California Real Estate Law, the Subdivided Lands Law,  
9                   Regulations of the Commissioner, or conditions attaching to  
10                  this restricted license.

11                  2. Respondent shall not be eligible to petition for the issuance of an unrestricted real  
12 estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the  
13 restricted real estate salesperson license until two (2) years have elapsed from the date of issuance of  
14 the restricted real estate license to Respondent. Respondent shall not be eligible to apply for any  
15 unrestricted licenses until all restrictions attaching to the license have been removed.

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

19                  (a) That broker has read the Stipulation and Waiver which is the  
20                  basis for the issuance of the restricted license; and

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

25                  4. Respondent shall notify the Commissioner in writing within 72 hours of any  
26 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office  
27 Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest,

1 the crime for which Respondent was arrested and the name and address of the arresting law  
2 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
3 independent violation of the terms of the restricted license and shall be grounds for the suspension  
4 or revocation of that license.

5  
6 3/23/20

7 DATED



8  
9 MEGAN LEE OLSEN, Counsel  
10 Department of Real Estate

11 \* \* \*

12 Respondent has read the Stipulation and Waiver, and its terms are understood by  
13 Respondent and are agreeable and acceptable to Respondent. Respondent understands that  
14 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,  
15 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and  
16 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited to,  
17 the right to a hearing on a Statement of Issues at which Respondent would have the right to cross-  
18 examine witnesses against Respondent and to present evidence in defense and mitigation of the  
19 charges.

20 3/13/2020

21 DATED



22 TIANA NICOLE LOPEZ  
23 Respondent

24 \* \* \*

25 I have read the foregoing Stipulation and Waiver signed by Respondent. I am  
26 satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness  
27 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

1 licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified  
2 in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED 5.20.20

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6 DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

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