

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
OCT 30 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-9595 SF
12 LUIS PELAYO MORAN,)
13 Respondent) STIPULATION AND
14) WAIVER

15 I, LUIS PELAYO MORAN, respondent herein, do hereby affirm
16 that I have applied to the Department of Real Estate for a real
17 estate broker license and that to the best of my knowledge I have
18 satisfied all of the statutory requirements for the issuance of
19 the license, including the payment of the fee therefore.

20 I acknowledge that I have received and read the Statement of
21 Issues and the Statement to Respondent filed by the Department of
22 Real Estate on May 12, 2006 in connection with my application for
23 a real estate broker license. I also understand that by filing
24 the Statement of Issues in this matter the Real Estate
25 Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real
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1 estate broker license. I further understand that by entering
2 into this stipulation and waiver I will be stipulating that the
3 Real Estate Commissioner has found that I have failed to make
4 such a showing, thereby justifying the denial of the issuance to
5 me of an unrestricted real estate broker license.

6 I hereby admit that the allegation of the Statement of
7 Issues filed against me are true and correct and request that the
8 Real Estate Commissioner in his discretion issue a restricted
9 real estate salesperson license to me under the authority of
10 Section 10156.6 of the Business and Professions Code.

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

15
16 1. The license shall not confer any property right in
17 the privileges to be exercised including the right of renewal,
18 and the Real Estate Commissioner may by appropriate order suspend
19 the right to exercise any privileges granted under this
20 restricted license in the event of:

21 a. The conviction of Respondent (including a plea of
22 nolo contendere) to a crime which bears a substantial
23 relationship to Respondent's fitness or capacity as a real estate
24 licensee; or

25 b. The receipt of evidence that Respondent has
26 violated provisions of the California Real Estate Law, the
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Subdivided Lands Law, Regulations of the Real Estate

Commissioner, or conditions attaching to this restricted license.

2. 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 attaching
to the restricted license until two years have elapsed from the
date of issuance of the restricted license to Respondent.

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

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

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

Respondent can signify acceptance and approval of the terms
and conditions of this Stipulation and Waiver by faxing a copy of
the signature page, as actually signed by respondent, to the
Department at fax number (916) 227-9458. Respondent agrees,
acknowledges, and understands that by electronically sending to
the Department a fax copy of his actual signature as it appears
on the Stipulation and Wavier, that receipt of the faxed copy by

1 the Department shall be as binding on respondent as if the
2 Department had received the original signed Stipulation and
3 Waiver.

4 9/18/06

5 DATED

Luis P. Moran

6 LUIS PELAYO MORAN
7 Respondent

8 * * *

9 I have read the Statement of Issues filed herein and
10 the foregoing Stipulation and Waiver signed by Respondent. I am
11 satisfied that it will not be inimical to the public interest to
12 issue a restricted real estate salesperson license to Respondent

13 Therefore, IT IS HEREBY ORDERED that a restricted real
14 estate salesperson license be issued to Respondent LUIS PELAYO
15 MORAN, if Respondent has otherwise fulfilled all of the
16 statutory requirements for licensure. The restricted license
17 shall be limited, conditioned, and restricted as specified in the
18 foregoing Stipulation and Waiver.

19 This Order is effective immediately.

20 IT IS SO ORDERED

10 23 -, 2006.

21 Jeff Davi
22 Real Estate Commissioner
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1 DANIEL E. KEHEW, Counsel (SBN 231550)
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MAY 12 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

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8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 LUIS PELAYO MORAN,) H-9595 SF
14 Respondent.) STATEMENT OF ISSUES
15

16 The Complainant, CHARLES W. KOENIG, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against LUIS PELAYO MORAN (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate broker
27 license on or about June 28, 2005.

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III

On or about November 8, 1999, in the Dade County Court of the State of Florida, Respondent was convicted of Driving Under the Influence of Alcohol and/or Drugs in violation of Chapter 316.193 of the Florida Statutes, a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (hereinafter "Regulations"), to the qualifications, functions, or duties of a real estate licensee.

IV

On or about February 1, 2002, in the Dade County Court of the State of Florida, Respondent was convicted of Driving Under the Influence of Alcohol and/or Drugs in violation of Chapter 316.193 of the Florida Statutes, a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

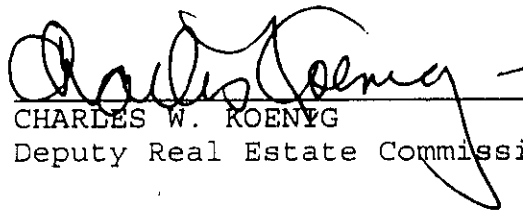
V

Respondent's criminal convictions, described in Paragraphs III and IV above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

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WHEREFORE, Complainant prays that 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 just and proper under the law.


CHARLES W. KOENYK
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 10th day of May, 2006.