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FILED

OCT 24 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
B. MARLENE LEMUS,
Respondent.

No. H-33187 LA

ORDER GRANTING UNRESTRICTED LICENSE

On September 11, 2006, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on November 4, 2006, and Respondent has operated as a restricted licensee since that time.

On March 18, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
2 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to
3 the following understanding and conditions:

4 1. The license issued pursuant to this order shall be deemed to be the first
5 renewal of Respondent's real estate salesperson license for the purpose of applying the provisions
6 of Section 10153.4.

7 2. Within twelve (12) months from the date of this order Respondent shall:

8 (a) Submit a completed application and pay the appropriate fee for a real
9 estate salesperson license, and

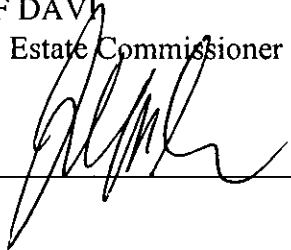
10 (b) Submit evidence of having taken and successfully completed the courses
11 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
12 for renewal of a real estate license.

13 3. Upon renewal of the license issued pursuant to this order, Respondent
14 shall submit evidence of having taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
16 license.

17 This Order shall become effective immediately.

18 IT IS SO ORDERED 10-14-09

19
20 JEFF DAVIS
21 Real Estate Commissioner

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1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
SEP 22 2006
DEPARTMENT OF REAL ESTATE
BY *[Signature]*

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 B. MARLENE LEMUS,

13 Respondent

)
) No. H- 33187 LA
)
)

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

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

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on August 30, 2006, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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 correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

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

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

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

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

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)
11 months of the issuance of the restricted license, to submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of
13 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
14 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
15 real estate appraisal. If I fail to timely present to the Department satisfactory evidence of
16 successful completion of the two required courses, the restricted license shall be automatically
17 suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not
18 be lifted unless, prior to the expiration of the restricted license, I have submitted the required
19 evidence of course completion and the Commissioner has given written notice to Respondent of
20 the lifting of the suspension.

21 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
22 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
23 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
24 years after the date of the issuance of the preceding restricted license.

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
26 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
27 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending

1 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4 9-5-06

5 Dated

4 *B. Marlene Lemus*

5 B. MARLENE LEMUS, Respondent

6 ***

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

11 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
12 respondent B. MARLENE LEMUS if respondent has otherwise fulfilled all of the statutory requirements
13 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
14 Stipulation and Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED

September 11, 2006

17 Jeff Davi
18 Real Estate Commissioner

19 *Dolores Weeks*
20 DOLORES WEEKS
21 Regional Manager

Handwritten initials in the top left corner.

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

FILED
AUG 30 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 Application of) No. H-33187 LA
12 B. MARLENE LEMUS,)
13 Respondent.)
14 STATEMENT OF ISSUES

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16 The Complainant, Phillip Ihde, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against B. MARLENE LEMUS (Respondent) is informed and alleges in
19 her official capacity as follows:

20 I

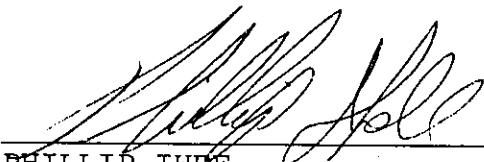
21 On or about May 23, 2005, Respondent applied to the
22 Department of Real Estate of the State of California for a real
23 estate salesperson license with the knowledge and understanding
24 that any license issued as a result of that application would be
25 subject to the conditions of Section 10153.4 of the Business and
26 Professions Code (hereinafter Code).

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1 The Statement of Issues is brought under the provisions
2 of Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent B. MARLENE LEMUS and for such other and
10 further relief as may be proper in the premises.

11 Dated at Los Angeles, California,
12 this 23rd day of August, 2006.

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16 
17 PHILLIP IHDE
18 Deputy Real Estate Commissioner
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24 cc: B. Marlene Lemus
25 J. Chris Graves
26 Kathryn Stanbra
27 Sacto.