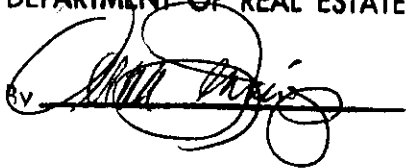


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**FILED**  
OCT 21 2010  
DEPARTMENT OF REAL ESTATE  
By: 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Application of	)	No. H-33774 LA
	)	
JOSE DOLORES ESPINOZA, JR.,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On August 8, 2007, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 September 4, 2007 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about December 11, 2009, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to  
2 Respondent.

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

6 1. The license issued pursuant to this order shall be deemed to be the first renewal  
7  
8 of Respondent's real estate salesperson license for the purpose of applying the provisions of  
9 Section 10153.4.

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

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

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

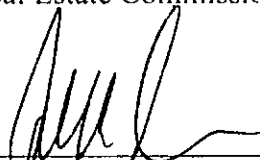
16  
17 3. Upon renewal of the license issued pursuant to this order, Respondent shall  
18 submit evidence of having taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
20 license.  
21

22 This Order shall be effective immediately.

23 Dated: \_\_\_\_\_

7-8-2010

24 JEFF DAVI  
25 Real Estate Commissioner

26   
27 \_\_\_\_\_



1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner  
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance  
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are  
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real  
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and  
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be  
8 limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's  
10 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's  
11 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver  
12 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's 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 further understands that the following conditions, limitations, and restrictions will attach  
16 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the  
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
19 to exercise any privileges granted under this restricted license in the event of:
  - 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears  
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - 22 b. The receipt of evidence that Respondent has violated provisions of the California Real  
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted  
27

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

3 3. With the application for license, or with the application for transfer to a new employing broker,

4 Respondent shall submit a statement signed by the prospective employing broker on a form  
5 approved by the Department of Real Estate wherein the employing broker shall certify as  
6 follows:

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

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

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of

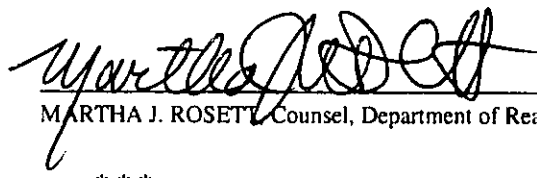
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within  
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to  
15 the Commissioner of successful completion, at an accredited institution, of  
16 a course in real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

24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified

25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,  
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4  
27 until four years after the date of the issuance of the preceding restricted license.

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7/23/07  
Dated

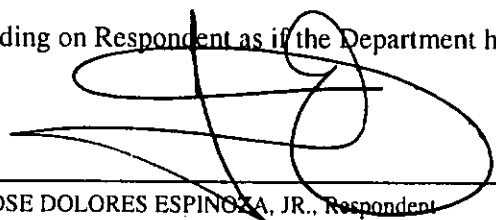
  
MARTHA J. ROSETT, Counsel, Department of Real Estate

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I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

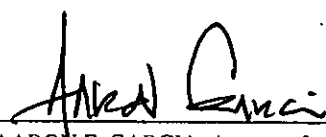
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

7/17/07  
Dated

  
JOSE DOLORES ESPINOZA, JR., Respondent

*I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.*

07/17/07  
Dated

  
AARON F. GARCIA, Attorney for 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.

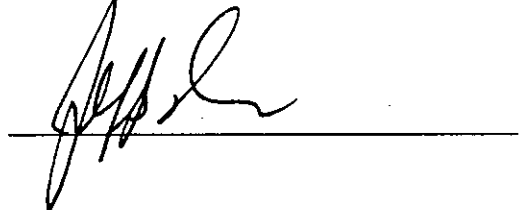
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

8.8.07

Jeff Davi  
Real Estate Commissioner



*Soetj*

**FILED**

MAR - 1 2007

1 MARTHA J. ROSETT, Counsel (SBN 142072)  
2 Department of Real Estate  
3 320 West Fourth St. #350  
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE  
BY: *Jaura B. [Signature]*

4 (213) 576-6982  
5 (213) 620-6430

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Application of) No. H-33774 LA  
12 JOSE DOLORES ESPINOZA, JR., )  
13 Respondent. ) STATEMENT OF ISSUES

15  
16 The Complainant, Joseph Aiu, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against JOSE DOLORES ESPINOZA, JR. (hereinafter "Respondent"),  
19 alleges in his official capacity as follows:

20 1.

21 On or about May 11, 2006, pursuant to the provisions of  
22 Section 10153.3 of the Business and Professions Code (hereinafter  
23 "Code"), Respondent made application to the Department of Real  
24 Estate of the State of California for a real estate salesperson  
25 license with the knowledge and understanding that any license  
26 issued as a result of said application would be subject to the  
27 conditions of Section 10153.4 of the Code.



1 2.

2 On August 11, 1997, in the Superior Court of  
3 California, County of Orange, in Case No. 97CM07783, Respondent  
4 was convicted of violating Penal Code Section 148 (resisting or  
5 obstructing a public officer), and Penal Code Section 245(a)(1)  
6 (assault with a deadly weapon), crimes of moral turpitude which  
7 are substantially related to the qualifications, functions and  
8 duties of a real estate licensee. Respondent was placed on three  
9 years probation. On June 23, 2004, Respondent's convictions were  
10 set aside and dismissed pursuant to Penal Code Section 1203.4.

11 3.

12 On April 8, 1999, in the Superior Court of California,  
13 County of Riverside, in Case No. INFO31720, Respondent was  
14 convicted of violating Penal Code Section 422 (terrorist/criminal  
15 threat of great bodily injury and death), a felony and crime of  
16 moral turpitude which is substantially related to the  
17 qualifications, functions and duties of a real estate licensee.  
18 Respondent was sentenced to three years probation, to include  
19 serving fifteen days in jail, not having negative contact with  
20 the victim, performing 30 hours of community service, and  
21 enrolling in a certified 52 week domestic violence/batterer's  
22 program. On August 1, 2003, Respondent's conviction was reduced  
23 to a misdemeanor pursuant to Penal Code Section 17(b)(4), and his  
24 conviction was set aside pursuant to Penal Code Section 1203.4.

25 4.

26 Respondent's convictions, as set forth in Paragraphs 2  
27 and 3 above, constitute grounds to deny his application for a

1 real estate license pursuant to Business and Professions Code  
2 Sections 480(a) and 10177(b).

3           These proceedings are brought under the provisions of  
4 Section 10100, Division 4 of the Business and Professions Code of  
5 the State of California and Sections 11500 through 11528 of the  
6 Government Code.

7           WHEREFORE, the Complainant prays that the above-  
8 entitled matter be set for hearing and, upon proof of the charges  
9 contained herein, that the Commissioner refuse to authorize the  
10 issuance of, and deny the issuance of, a real estate salesperson  
11 license to Respondent JOSE DOLORES ESPINOZA, JR. and for such  
12 other and further relief as may be proper under the law.

13 Dated at San Diego, California

14 this 20 day of February, 2007.

15  
16  
17   
18 \_\_\_\_\_  
19 Joseph Aiu  
20 Deputy Real Estate Commissioner  
21  
22  
23

24 cc: Jose Dolores Espinoza, Jr.  
25 Pro Casa Corporation/Avi Lasman  
26 Joseph Aiu  
27 Sacto.