

Sachs Flag

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

FILED

JAN 10 2013

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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

10 * * *

11 *In the Matter of the Application of*

) No. H- 38315 LA;
) 2012080677

13
14 MANUEL HARO PEREZ,

) **STIPULATION AND WAIVER**

15 Respondent.

16 It is hereby stipulated by and between Manuel Haro Perez (hereinafter "Respondent") and
17 Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Diane Lee,
18 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
19 the Statement of Issues filed on August 1, 2012 in this matter:

20 Respondent affirms that Respondent has applied to the Department of Real Estate for a real
21 estate broker license and that to the best of Respondent's knowledge, Respondent has satisfied all
22 of the statutory requirements for the issuance of the license, including the payment of the fee
23 therefor.

24 Respondent acknowledges that Respondent has received and read the Statement of Issues and
25 the Statement to Respondent filed by the Department of Real Estate in connection with
26 Respondent's application for a real estate broker license. Respondent understands that the Real
27 Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring

1 further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or
2 that he may in his discretion waive the hearing and grant Respondent a restricted real estate
3 salesperson license based upon this Stipulation and Waiver. Respondent also understands that by
4 filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to
5 Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance
6 of a real estate broker license. Respondent further understands that by entering into this stipulation
7 and waiver, Respondent will be stipulating that the Real Estate Commissioner has found that
8 Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
9 Respondent of an unrestricted real estate broker license.

10 Respondent hereby admits that the allegations of the Statement of Issues filed against
11 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion
12 issue a restricted real estate salesperson license to Respondent under the authority of Section
13 10156.5 of the Business and Professions Code.

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

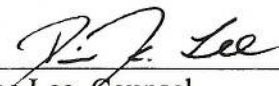
20 Respondent further understands that the following conditions, limitations, and restrictions will
21 attach to a restricted salesperson license issued by the Department of Real Estate pursuant hereto:

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

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- b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the 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 2 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.
- 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

11/08/2012
Dated



Diap Lee, Counsel
Department of Real Estate

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

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11-8-12

Dated



Frank M. Buda
Attorney for Respondent

I have read the Statcment 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 _____

Real Estate Commissioner

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

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5 _____
Dated

Frank M. Buda
Attorney for Respondent

6
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9 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to
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13 licensure. The restricted license shall be limited, conditioned and restricted as specified in the
14 foregoing Stipulation and Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED

17 11/7/13
Real Estate Commissioner

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19
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21 By: _____

Awet P. Kijane
Chief Deputy Commissioner