

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

4 Telephone: (213) 576-6982

**FILED**

OCT 18 2022

DEPT. OF REAL ESTATE

By *Emma Dwyer*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of )

No. H-42166 LA

12 ROSALINO PAVIA, )

**STIPULATION AND WAIVER**

13 Respondent. )  
14 )

15 It is hereby stipulated by and between ROSALINO PAVIA (“Respondent”) and the  
16 Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate  
17 (“Department”), as follows for the purpose of settling and disposing of the Statement of Issues filed  
18 on April 14, 2022, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of  
20 Issues and the Statement to Respondent filed by the Department in connection with Respondent’s  
21 application for a real estate salesperson license. Respondent understands that the Real Estate  
22 Commissioner (“Commissioner”) may hold a hearing on this Statement of Issues for the purpose of  
23 requiring further proof of Respondent’s honesty and truthfulness and to prove other allegations  
24 therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real  
25 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands  
26 that by filing the Statement of Issues in this matter the Commissioner is shifting the burden to  
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1 Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance  
2 of a real estate salesperson license. Respondent further understands that by entering into this  
3 Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that  
4 Respondent has failed to make such a showing, thereby justifying the denial of the issuance to  
5 Respondent of an unrestricted real estate salesperson license.

6 Respondent hereby admits that the allegations of the Statement of Issues filed  
7 against Respondent are true and correct and requests that the Commissioner in his discretion issue a  
8 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of  
9 the Business and Professions Code ("the Code").

10 Respondent is aware that by signing this Stipulation and Waiver, Respondent is  
11 waiving Respondent's right to a hearing and the opportunity to present evidence at the hearing to  
12 establish Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson  
13 license if this Stipulation and Waiver is accepted by the Commissioner. However, Respondent is  
14 not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or  
15 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

16 Respondent agrees that by signing this Stipulation and Waiver, the conditions,  
17 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be  
18 removed only by filing a Petition for Removal of Restrictions ("Petition") with the Commissioner,  
19 and that Respondent's Petition must follow the procedures set forth in Government Code  
20 Section 11522.

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

- 24 1. The restricted license shall not confer any property right in the privileges to be  
25 exercised including the right of renewal, and the Commissioner may by  
26 appropriate order suspend the right to exercise any privileges granted under the  
27 restricted license in the event of:

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- a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or conditions attaching to the restricted license.
2. Respondent shall not be eligible to petition 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 three (3) years have elapsed from the date of issuance of the restricted license to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
3. With the application for license, or with the application for transfer to a new responsible broker, Respondent shall submit a statement signed by the prospective responsible broker on a form approved by the Department wherein the responsible broker shall certify as follows:
- a. That the broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
  - b. That the 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.

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2 Respondent has read this Stipulation and Waiver and its terms are understood by  
3 Respondent and are agreeable and acceptable to Respondent. Respondent understands that  
4 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including  
5 but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and  
6 Respondent willingly, intelligently, and voluntarily waives those rights, including the right of a  
7 hearing on the Statement of Issues at which Respondent would have the right to cross-examine  
8 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

9 Respondent shall send a hard copy of the original signed Stipulation and Waiver to:  
10 Steve Chu, Department of Real Estate, 320 West 4th St, Suite 350, Los Angeles, CA 90013-1105.

11 In the event of time constraints before an administrative hearing, Respondent can  
12 signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by  
13 emailing a scanned copy of the signature page, as actually signed by Respondent, to the  
14 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that  
15 by electronically sending the Department a scan of Respondent's actual signature as it appears on  
16 the Stipulation and Waiver, that receipt of the scan by the Department shall be binding on  
17 Respondent as if the Department had received the original signed Stipulation and Waiver.

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19 08-23-2022

Dated

  
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ROSALINO PAVIA, 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 10.7.22.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

