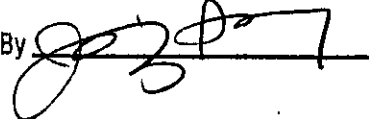


50110
FROG

FILED
NOV 24 2003

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
XAVIER MONROY GOMEZ,) NO. H-1211 FR
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 23, 1994, an Order 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 July 14, 1994, and Respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On May 8, 2002, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

///

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

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for removal of restrictions is granted and that a real
10 estate salesperson license be issued to Respondent, if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

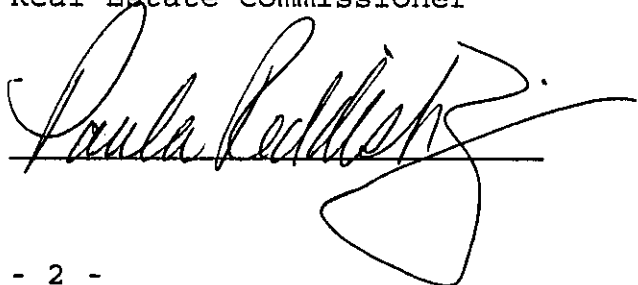
13 1. Submittal of a completed application and payment
14 of the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20
21 This Order shall be effective immediately.

22 DATED: November 12, 2003
23

24 PAULA REDDISH ZINNEBANN
25 Real Estate Commissioner
26
27



flag

FILED
JUL 28 1998
DEPARTMENT OF REAL ESTATE

By Juan Antonio

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
XAVIER MONROY GOMEZ,) NO. H-1211 FRESNO
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 23, 1994, an Order 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 July 14, 1994, and Respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On November 14, 1997, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

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

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

12 1. The license issued pursuant to this Order shall be
13 deemed to be the first renewal of Respondent's real
14 estate salesperson license for the purpose of
15 applying the provisions of Section 10153.4.

16 2. Within six (6) months from the date of this Order
17 Respondent shall:

18 (a) Submit a completed application and pay the
19 appropriate fee for a real estate salesperson
20 license, and,

21 (b) Submit evidence of having taken and
22 successfully completed the courses specified in
23 subdivisions (a) (1), (2), (3), and (4) of
24 Section 10170.5 of the Real Estate Law for
25 renewal of a real estate license.

26 3. Upon renewal of the license issued pursuant to this
27 Order, Respondent shall submit evidence of having



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

taken and successfully completed the continuing
education requirements of Article 2.5 of Chapter 3
of the Real Estate Law for renewal of a real estate
license.

This Order shall become effective immediately.

DATED: 7/20, 1998.

JIM ANTT, JR.
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
FEB 28 1994
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

◆ ◆ ◆

In the Matter of the Application of

XAVIER MONROY GOMEZ,

Respondent.

No. H- 1211 FRESNO

STIPULATION AND WAIVER

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

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on January 7, 1994, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 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 to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 28th day of JANUARY, 19 94.

18
19 XAVIER M. GOMEZ
20 Respondent
21 XAVIER MONROY GOMEZ
22
23
24
25
26
27

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

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

9 This Order is effective immediately.

10 DATED this 30th day of February, 19 94.

11
12 CLARK WALLACE
13 Real Estate Commissioner
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 SUSAN Y. BENNETT, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
JAN - 7 1994
DEPARTMENT OF REAL ESTATE

By Laurie A. Zia

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12)
13 XAVIER MONROY GOMEZ,)
14 Respondent.)

NO. H-1211 FRESNO

STATEMENT OF ISSUES

15
16 The Complainant, Jerry E. Fiscus, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against XAVIER MONROY GOMEZ (hereinafter "Respondent") alleges as
19 follows:

20 I

21 Respondent, pursuant to the provisions of Section
22 10153.3 of the Business and Professions Code, made application to
23 the Department of Real Estate of the State of California for a
24 real estate salesperson license on or about April 2, 1993, with
25 the knowledge and understanding that any license issued as a
26 result of said application would be subject to the conditions of
27 Section 10153.4 of the Business and Professions Code.

II

Complainant, Jerry E. Fiscus, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

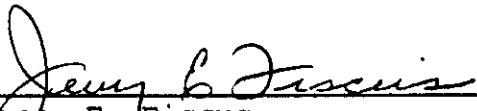
III

On or about November 19, 1992, in the Stanislaus County Municipal Court, State of California, Respondent was convicted of a violation of Section 243.4(d) of the California Penal Code (Sexual Battery), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted as alleged in Paragraph III, above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the 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 proper in the premises.


Jerry E. Fiscus
Deputy Real Estate Commissioner

Dated at Fresno, California
this 15 day of December, 1993.