

File

FILED

FEB 13 2001

DEPARTMENT OF REAL ESTATE

By *Juan M. Lopez*

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-1298 FRESNO
PEDRO S. LOPEZ,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 4, 1996, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 4, 1996, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On November 23, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

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

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

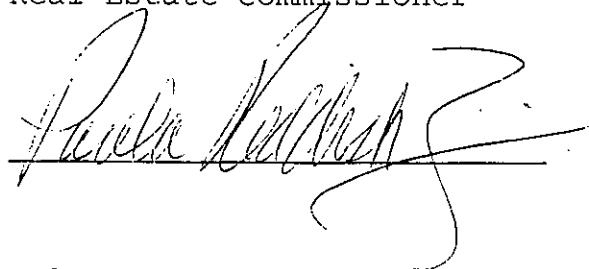
13 1. Submittal of a completed application and payment of
14 the fee for a real estate broker license.

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. This requirement shall not
20 apply if Respondent renewed his restricted real estate broker
21 license.

22 This Order shall be effective immediately.

23 DATED: December 27, 2000

24 PAULA REDDISH ZINNEBANN
25 Real Estate Commissioner

26 
27

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
NOV 14 1996
DEPARTMENT OF REAL ESTATE

Laurie A. Zjar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	NO. H-1298 FRESNO
12))
13 PEDRO S. LOPEZ,)	OAH NO. N-9608053
14))
15))
16))
17))
18))
19))
20))
21))
22))
23))
24))
25))
26))
27))

16 It is hereby stipulated by and between Respondent
17 PEDRO S. LOPEZ (hereinafter "Respondent" or "LOPEZ"), and the
18 Complainant, acting by and through James L. Beaver, Counsel for
19 the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on April 29, 1996
21 in this matter (hereinafter "the Accusation"):

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be

27 ///

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On May 13, 1996, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense Respondent
13 will thereby waive Respondent's right to require the Commissioner
14 to prove the allegations in the Accusation at a contested hearing
15 held in accordance with the provisions of the APA and that
16 Respondent will waive other rights afforded to Respondent in
17 connection with the hearing such as the right to present evidence
18 in defense of the allegations in the Accusation and the right to
19 cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in Paragraphs I
22 through X of the Accusation are true and correct and the Real
23 Estate Commissioner shall not be required to provide further
24 evidence to prove such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his decision in this matter, thereby imposing the penalty and



ORDER

I

1
2
3 All licenses and licensing rights of Respondent
4 PEDRO S. LOPEZ under the Real Estate Law are revoked; provided,
5 however, a restricted real estate broker license shall be issued to
6 Respondent pursuant to Section 10156.5 of the Business and
7 Professions Code if Respondent makes application therefor and pays
8 to the Department of Real Estate the appropriate fee for the
9 restricted license within ninety (90) days from the effective date
10 of the Decision entered pursuant to this Order (hereinafter "the
11 Decision"). The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the Business
13 and Professions Code and to the following limitations, conditions
14 and restrictions imposed under authority of Section 10156.6 of that
15 Code:

16 1. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate Commissioner
18 in the event of Respondent's conviction or plea of nolo contendere
19 to a crime which is substantially related to Respondent's fitness
20 or capacity as a real estate licensee.

21 2. The restricted license issued to Respondent may be
22 suspended prior to hearing by Order of the Real Estate Commissioner
23 on evidence satisfactory to the Commissioner that Respondent has
24 violated provisions of the California Real Estate Law, the
25 Subdivided Lands Law, Regulations of the Real Estate Commissioner
26 or conditions attaching to the restricted license.

27 ///

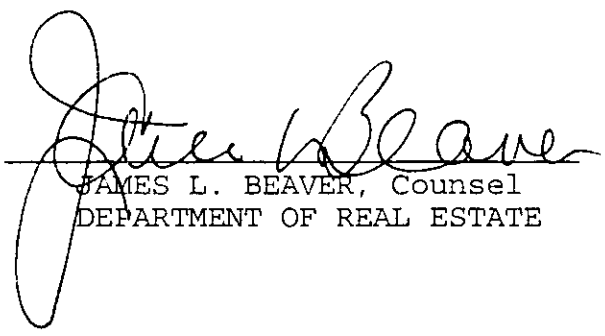


1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until one (1) year has elapsed from the
5 effective date of this Decision.

6 4. Respondent shall, within nine (9) months from the
7 effective date of the Decision, present evidence satisfactory to
8 the Real Estate Commissioner that Respondent has, since the most
9 recent issuance of an original or renewal real estate license,
10 taken and successfully completed the continuing education
11 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
12 for renewal of a real estate license. If Respondent fails to
13 satisfy this condition, the Commissioner may order the suspension
14 of the restricted license until the Respondent presents such
15 evidence. The Commissioner shall afford Respondent the
16 opportunity for a hearing pursuant to the Administrative
17 Procedure Act to present such evidence.

18 5. Any restricted real estate broker license issued
19 to Respondent may be suspended or revoked for a violation by
20 Respondent of any of the conditions attaching to the restricted
21 license.

22
23 Oct. 7, 1996
24 DATED


JAMES L. BEAVER, Counsel
DEPARTMENT OF REAL ESTATE

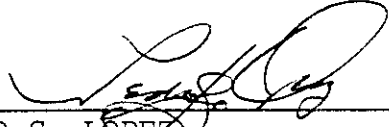
25 ///
26 ///
27 ///

* * *

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

I have read the Stipulation and Agreement, 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

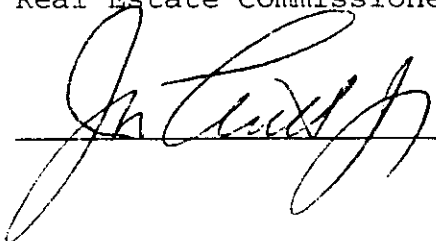
10/1/96
DATED


PEDRO S. LOPEZ
Respondent

* * *

The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on December 4, 1996.

IT IS SO ORDERED 11/4, 1996.

JIM ANTT, JR.
Real Estate Commissioner


FILED
AUG 27 1996
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Lucie A. Zain

In the Matter of the Accusation of
PEDRO S. LOPEZ,

}

Case No. H-1298 FRESNO
OAH No. L-9608053

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
California Men's Colony, In-Service Training Classroom, on
Highway 1, San Luis Obispo, CA 93409

on Friday, September 27th, 1996, at the hour of 11:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: August 21, 1996

DEPARTMENT OF REAL ESTATE
By James L. Beaver
JAMES L. BEAVER Counsel

1 JAMES L. BEAVER, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

FILED
APR 29 1996
DEPARTMENT OF REAL ESTATE

5 Telephone: (916) 227-0789

By Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 PEDRO S. LOPEZ,) No. H-1298 FRESNO
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Dolores Vazquez-Ramos, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against PEDRO S. LOPEZ, also known as Pete S. Lopez
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 Business and Professions Code (hereinafter "Code") as a real
23 estate broker.

24 II

25 The Complainant, Dolores Vazquez-Ramos, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation against Respondent in her official capacity.

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

III

At all times herein mentioned, Respondent was and now is licensed by the California Department of Real Estate as a real estate broker.

IV

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised and assumed to act as a real estate broker in the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchases of, solicited and obtained listings of, and negotiated the purchase and sale of real property.

V

On or about August 16, 1994, in course of the real estate brokerage activities described in Paragraph IV, above, Respondent solicited and obtained a signed written listing (herein "the listing") from Charles and Linda McLoughlin (herein "the McLoughlins") whereby the McLoughlins granted Respondent the exclusive right, commencing on August 16, 1994, and expiring on March 1, 1995, to sell or exchange the residence and real property situated in the City of Paso Robles, County of San Luis Obispo, California, described as 4929 Meadowlark Lane, at a sale price of \$131,900, and the McLoughlins agreed to pay Respondent, as

///



1 compensation for services under the listing, six percent (6%) of
2 the sales price.

3 VI

4 On or about August 16, 1994, prior to obtaining the
5 listing from the McLoughlins, Respondent represented to the
6 McLoughlins that Respondent was, at the time of the
7 representation, affiliated with RE/MAX of California as franchisee
8 (herein "the representation").

9 VII

10 When Respondent made the representation, Respondent knew
11 the representation would be material to a decision by the
12 McLoughlins to execute the listing. Respondent made the
13 representation with the intent of inducing the McLoughlins to
14 execute the listing.

15 VIII

16 The McLoughlins executed the listing in reliance on the
17 representation. The representation was material to the decision
18 by the McLoughlins to execute the listing.

19 IX

20 The representation was false. In fact, Respondent's
21 affiliation with RE/MAX of California as franchisee terminated
22 prior to August 1, 1994. When Respondent made the representation,
23 Respondent knew the representation was false.

24 ///

25 ///

26 ///

27 ///

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

The facts alleged above constitute cause under Section 10176(a) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.

Dolores Vazquez-Ramos
DOLORES VAZQUEZ-RAMOS
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 16th day of April, 1996.