

FILED
 DEC 18 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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 Application of)
)
 CARMEN PACHECO,) NO. H-1414 FRESNO
)
 Respondent.)
)

ORDER GRANTING UNRESTRICTED LICENSE

On April 29, 1999, 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 May 27, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against her since that time.

On July 27, 2000, Respondent petitioned for the removal of restrictions attaching to her 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 she meets the requirements of law for the
5 issuance to her of an unrestricted real estate salesperson
6 license and that it would not be against the public interest to
7 issue said license to her.

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 her subject to the
11 following 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 nine (9) 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
23 in 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

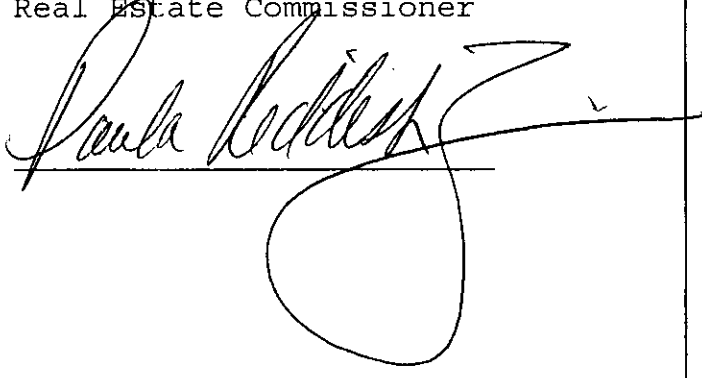
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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: November 16, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A handwritten signature in cursive script, reading "Paula Reddish Zinnemann", is written over a horizontal line. The signature is large and fluid, with a prominent loop at the end.

FILED
MAY 14 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

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 Application of)	
)	No. H-1414 FRESNO
CARMEN PACHECO,)	STIPULATION AND WAIVER
)	
Respondent.)	
_____)	

I, CARMEN PACHECO, 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 March 26, 1999, 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's restricted real estate salesperson license is issued subject to the requirements of
8 Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen
9 (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commis-
10 sioner of successful completion, at an accredited institution, of two of the courses listed in Section
11 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate
12 finance or advanced real estate appraisal. If Respondent fails to timely present to the Department
13 satisfactory evidence of successful completion of the two required courses, the restricted license
14 shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said
15 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
16 has submitted the required evidence of course completion and the Commissioner has given written
17 notice to the Respondent of lifting of the suspension.

18 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
19 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and
20 shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four
21 years after the date of the issuance of the preceding restricted license.

22 DATED this 16 day of April, 19 99.

23
24 Carmen Pacheco
Respondent CARMEN PACHECO

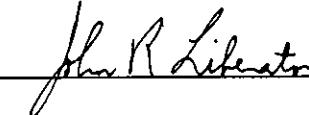
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the 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 CARMEN PACHECO 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 29th day of April, 19 99.

11 JOHN R. LIBERATOR
12 Acting Real Estate Commissioner

13 
14 _____

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

FILED
MAR 26 1999

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zan*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-1414 FRESNO
12 CARMEN PACHECO,)	<u>STATEMENT OF ISSUES</u>
13 Respondent.)	
)	
)	

14
15 The Complainant, M. Dolores Ramos, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against CARMEN PACHECO aka Maria Carmen Pacheco and Maria Carmen
18 Pena De Aguilera (hereinafter "Respondent") alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application to
22 the Department of Real Estate of the State of California for a
23 real estate salesperson license on or about August 25, 1998 with
24 the knowledge and understanding that any license issued as a
25 result of said application would be subject to the conditions of
26 Section 10153.4 of the Business and Professions Code.

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

II

Complainant, J. Dolores Ramos, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

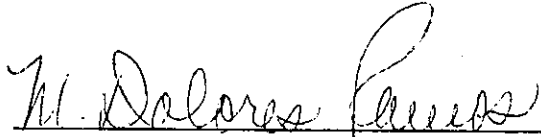
On or about June 12, 1996, in the Tulare County Municipal Court District, Visalia Division, State of California, Respondent was convicted of a violation of Section 488 of the California Penal Code (Petty Theft), a crime involving moral turpitude which bears a substantial relationship under Section 2910, 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.

///
///
///
///
///
///
///
///
///
///

1 WHEREFORE, the Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges contained
3 herein, that the Commissioner refuse to authorize the issuance of,
4 and deny the issuance of, a real estate salesperson license to
5 Respondent, and for such other and further relief as may be proper
6 in the premises.

7
8 
9 M. DOLORES RAMOS
Deputy Real Estate Commissioner

10 Dated at Fresno, California,
11 this 22ND day of March, 1999.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27