

JUL 05 2001

By Juan Acosta

STATE OF CALIFORNIA

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In the Matter of the Application of)
) No. H-1442 SD
 ESPERANZA EMILY TAPIA,)
)
 Respondent.)

On July 28, 1986, an Order was rendered herein denying the Respondent's application for real estate license, 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 August 15, 1986, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has

1 demonstrated to my satisfaction that Respondent meets the
2 requirements of law for the issuance to Respondent of an
3 unrestricted real estate broker license and that it would not be
4 against the public interest to issue said license to Respondent.

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

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

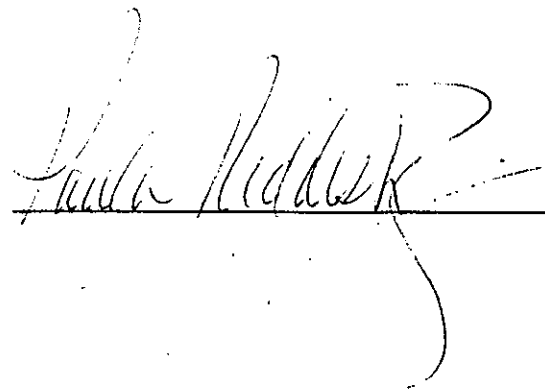
12 2. Submittal of evidence of having, since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
16 for renewal of a real estate license.

17 This Order shall be effective immediately.

18 DATED: June 26, 2001

20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

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1 demonstrated to my satisfaction that Respondent meets the
2 requirements of law for the issuance to Respondent of an
3 unrestricted real estate broker license and that it would not be
4 against the public interest to issue said license to
5 Respondent.

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

10 Within twelve (12) months from the date of this Order,
11 Respondent shall:

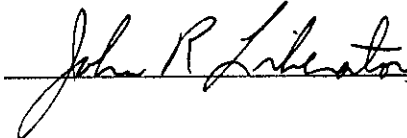
- 12 1. Submit a completed application and payment of the
13 fee for a real estate broker license.
- 14 2. Submit evidence satisfactory to the Real Estate
15 Commissioner that Respondent has, since her present restricted
16 license was renewed, taken and successfully completed the
17 continuing education requirements of Article 2.5 of Chapter 3 of
18 the Real Estate Law for renewal of a real estate license.

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20 This Order shall be effective immediately.

21 Dated: April 21, 1994

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23 CLARK WALLACE
24 Real Estate Commissioner

25 cc: Esperanza Emily Tapia
26 4120 N. Cordoba Ave.
27 Spring Valley, CA 92077



BY: **John R. Liberator**
Chief Deputy Commissioner

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Licensing
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DEPARTMENT OF REAL ESTATE

BY *Charles J. [Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of) No. H-1442 SD
ESPERANZA EMILY TAPIA,)
aka Esperanza Tapia,)
Respondent.)

ORDER DENYING UNRESTRICTED LICENSE

On July 28, 1986, pursuant to a Stipulation and Waiver of a hearing, an Order was issued denying the Respondent's application for a real estate broker license, but granting her the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on August 15, 1986.

On September 9, 1987, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

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1 I have considered the petition of Respondent and the
2 evidence submitted in support thereof including Respondent's
3 record as a restricted licensee. Respondent has failed to
4 demonstrate to my satisfaction that it would be in the public
5 interest to issue an unrestricted real estate broker license to
6 her. This determination has been made upon the basis of the
7 following factors and considerations:

8 1.

9 The following condition, limitation and restriction
10 attached to the restricted real estate broker license issued to
11 Respondent on August 15, 1986:

12 "The license shall not confer any property
13 right in the privileges to be exercised
14 thereunder and the Real Estate Commissioner
15 may by appropriate order suspend the right
16 of respondent to exercise any privileges
17 granted under this restricted license in the
18 event of...The receipt of evidence that
19 respondent has violated provisions of the
20 California Real Estate Law, the Subdivided
21 Lands Law, Regulations of the Real Estate
22 Commissioner or conditions attaching to
23 this restricted license."

19 2.

20 In connection with her petition to remove the
21 restrictions attaching to her present license, Respondent stated
22 that she had worked out of her own home at 4120 North Cordoba
23 Avenue in Spring Valley, California, from August of 1986 through
24 February of 1988.

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1 In an interview with a Deputy Real Estate Commissioner
2 on February 8, 1988, Respondent stated that she had served as the
3 designated broker-officer of Cal-Market Mortgage Corporation
4 (hereinafter CMC) located at 8950 Villa La Jolla Drive in
5 La Jolla, California, from July 8, 1987, to the date of her
6 resignation from CMC on February 17, 1988. She then stated that
7 she had not reviewed, initialed or dated ANY instruments
8 utilized by CMC in connection with transactions completed by CMC
9 during this period for which a real estate license was required
10 nor had she delegated her responsibility to review and initial
11 said instruments to anyone at CMC. In addition, she admitted that
12 she had not been in CMC's office more than twice during the seven
13 months she had served as the designated officer of CMC.

3.

Respondent's conduct, in connection with her tenure as the designated officer of CMC, as described, above, in Paragraph 2, is in violation of Section 2725 of Title 10, Chapter 6, California Code of Regulations. In addition, her complete lack of supervision of CMC's activities as a corporate real estate broker is grounds for discipline under the provisions of Section 10177(h) of the California Business and Professions Code.

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3 Considering the conditions attached to Respondent's
4 present restricted real estate broker license, described above in
5 Paragraph 1, the conduct described in Paragraph 2 would have
6 been grounds for suspension or revocation of Respondent's
7 restricted real estate broker license under Sections 10177(d) and
8 10177(k) of the Code. This constitutes a basis for denial of
9 Respondent's petition for removal of restrictions attaching to her
10 restricted real estate broker license under Section 480(3) of the
11 Code.

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NOW, THEREFORE, IT IS ORDERED that Respondent's petition
for removal of restrictions to her real estate broker license is
denied.

This Order shall become effective at 12 o'clock noon on

June 23, 1988.

DATED: May 27, 1988.

JAMES A. EDMONDS, JR.
Real Estate Commissioner.

By: John R. Liberator

JOHN R. LIBERATOR
Chief Deputy Commissioner

cc: Esperanza Emily Tapia
4120 North Cordoba Avenue
Spring Valley, CA 92077

1 Waiver.

2 I do hereby admit that the allegations of the Statement
3 of Issues filed against me are true and correct and request that
4 the Real Estate Commissioner in his discretion issue to me a
5 restricted real estate broker license under the authority of
6 Section 10156.5 of the Business and Professions Code.

7 I am aware that by signing this Stipulation and Waiver, I
8 am waiving my right to a hearing and any opportunity through a
9 hearing to obtain an unrestricted real estate license at this time
10 if the Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. I understand, however, that I am not waiving my
12 right to a hearing and to further proceedings to obtain a
13 restricted or unrestricted license if this Stipulation and Waiver
14 is not accepted by the Commissioner.

15 I further understand that the following conditions,
16 limitations and restrictions will attach to a restricted license
17 issued by the Department of Real Estate pursuant hereto:

18 1. The license shall not confer any property right in
19 the privileges to be exercised thereunder and the
20 Real Estate Commissioner may by appropriate order
21 suspend the right of respondent to exercise any
22 privileges granted under this restricted license in
23 the event of:

24 a. The conviction of respondent or a plea of nolo
25 contendere to a crime which bears a significant
26 relation to respondent's fitness or capacity as
27 a real estate licensee; or

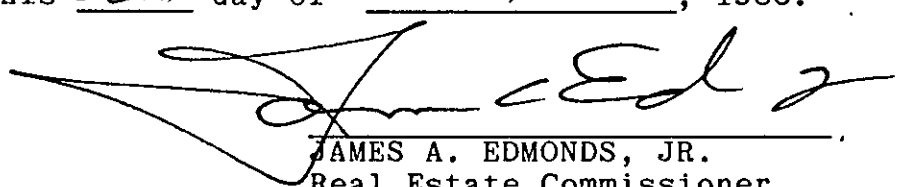
2. Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor
the removal of any of the conditions, limitations or
restrictions of the restricted license until one
year has elapsed from the date of issuance of the
restricted license to respondent.

ESPERANZA EMILY TAPIA
Respondent

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

7 Therefore, IT IS HEREBY ORDERED that a restricted real
8 estate broker license be issued to respondent ESPERANZA EMILY
9 TAPIA, aka Esperanza Tapia, if respondent has otherwise fulfilled
10 all of the statutory requirements for licensure. The restricted
11 license shall be limited, conditioned and restricted as specified
12 in the foregoing Stipulation and Waiver.

13 DATED this 28th day of JULY, 1986.

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15 JAMES A. EDMONDS, JR.
16 Real Estate Commissioner
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1 MARILYN L. MOSHER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790
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FILED

JUL -3 1986

DEPARTMENT OF REAL ESTATE

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)
12 ESPERANZA EMILY TAPIA,)
13 aka Esperanza Tapia,)
14 Respondent.)

No. H-1442 SD
STATEMENT OF ISSUES

15 The Real Estate Commissioner, in conformity with Section
16 10152, Division 4, Business and Professions Code of the State of
17 California, requires further proof of the honesty and truthfulness
18 of ESPERANZA EMILY TAPIA, aka Esperanza Tapia in connection with
19 her application for a real estate broker license, filed on
20 February 18, 1986, and in relation thereto, will consider the
21 following:

22 I

23 On or about September 30, 1982, ESPERANZA EMILY TAPIA,
24 aka Esperanza Tapia (hereinafter respondent), was issued a real
25 estate broker license by the Department of Real Estate of the
26 State of California (hereinafter Department). Said license was
27 issued in response to respondent's application therefor, which was

1 submitted to the Department along with respondent's check for \$165
2 (hereinafter Check No. 360) for payment of the license fee.

3 II

4 On or about October 7, 1982, Check No. 360 was returned
5 to the Department marked "NOT SUFFICIENT FUNDS". Respondent paid
6 or attempted to pay the fee for her real estate broker license
7 with Check No. 360 when respondent knew, or should have known,
8 that the account upon which said check was drawn did not contain
9 sufficient funds to cover said check.

10 III

11 On or about November 19, 1982, the Department advised
12 respondent by letter that respondent's Check No. 360 was returned
13 to the Department by respondent's bank. Respondent was requested
14 to submit the current license fee to the Department within 15
15 days. The said letter, mailed by certified mail to respondent's
16 address then currently on file with the Department, to wit:
17 10753 Avenida Catherina, Spring Valley, California 92078, was
18 returned to the Department marked "Unclaimed".

19 IV

20 On or about December 23, 1982, the Department advised
21 respondent by letter that the real estate broker license issued to
22 respondent on September 30, 1982, was cancelled due to
23 respondent's failure to pay the license fee. The said letter,
24 mailed to respondent's address of record, referred to in Paragraph
25 III above, was returned to the Department marked "Unclaimed".

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V

The letters, described in Paragraphs III and IV above, were returned to the Department because the said address was no longer respondent's current residence address and/or the address of respondent's principal place of business. Respondent omitted and/or failed to maintain on file with the Department the address of her principal place of business for brokerage activities, and her current residence address, as required by Section 2715, Title 10, California Administrative Code.

VI

The acts and/or omissions of respondent, as alleged in Paragraph II above, warrant denial of respondent's application for a real estate broker license under Section 10177(f) of the Business and Professions Code of the State of California (hereinafter the Code).

VII

The acts and/or omissions of respondent, as alleged in Paragraph V above, warrant denial of respondent's application for a real estate broker license under Section 10177(d) of the Code.

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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 Dated at San Diego, California
6 this 3rd day of July, 1986.

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8 J. CHRIS GRAVES
9 Deputy Real Estate Commissioner
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25 cc: Esperanza Emily Tapia
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