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DEPARTMENT OF REAL ESTATE

By K. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of
MARIA FERNANDEZ LEDESMA,
Respondent.

No. H-1645 FR

ORDER GRANTING UNRESTRICTED LICENSE

On March 10, 2004, a Decision 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 April 10, 2004, and Respondent has operated as a restricted licensee without cause for disciplinary action since that time.

On May 14, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
MAR 12 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*)
11) No. H- 1645 FR
12) MARIA FERNANDEZ LEDESMA,)
13) Respondent) **STIPULATION AND WAIVER**

14 It is hereby stipulated by and between MARIA FERNANDEZ LEDESMA (hereinafter
15 "Respondent") and Respondent's attorney, Ronald P. Jones, and the Complainant, acting by and through
16 Larry A. Alamao, Counsel for the Department of Real Estate, as follows for the purpose of settling and
17 disposing of the Statement of Issues filed on December 19, 2003, in this matter:

18 Respondent acknowledges that Respondent has received and read the Statement of Issues
19 and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
20 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
21 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
22 honesty and truthfulness and to prove other allegations therein, or that he/she may in his/her discretion
23 waive the hearing and grant Respondent a restricted real estate salesperson license based upon this
24 Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the
25 Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that
26 Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further
27 understands that by entering into this stipulation and waiver, Respondent will be stipulating that the Real

1 Estate Commissioner has found that Respondent has failed to make such a showing, thereby justifying the
2 denial of the issuance to Respondent of an unrestricted real estate salesperson license.

3 Respondent hereby admits that the allegations of the Statement of Issues filed against
4 Respondent are true and correct and requests that the Real Estate Commissioner in his/her discretion issue a
5 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the
6 Business and Professions Code.

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

13 Respondent further understands that the following conditions, limitations, and restrictions
14 will attach to a restricted 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
16 including the right of renewal, and the Real Estate Commissioner may by appropriate
17 order suspend the right to exercise any privileges granted under this restricted license
18 in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to
20 a crime which bears a substantial relationship to Respondent's fitness
21 or capacity as a real estate licensee; or
 - 22 b. The receipt of evidence that Respondent has violated provisions of the
23 California Real Estate Law, the Subdivided Lands Law, Regulations
24 of the Real Estate Commissioner or conditions attaching to this
25 restricted license.
- 26 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
27 license nor the removal of any of the conditions, limitations, or restrictions attaching

1 to the restricted license until two years have elapsed from the date of issuance of the
2 restricted license to Respondent.

3 3. With the application for license, or with the application for transfer to a new
4 employing broker, Respondent shall submit a statement signed by the prospective
5 employing broker on a form approved by the Department of Real Estate wherein the
6 employing broker shall certify as follows:

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

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

13
14
15 3/4/03
16 Dated

17
18
19 Larry Alamao
20 LARRY A. ALAMA, Counsel, Department of Real Estate

21 * * *

22 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
23 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
24 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
25 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
26 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
27 witnesses against me and to present evidence in defense and mitigation of the charges.

28 Respondent can signify acceptance and approval of the terms and conditions of this
29 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the
30 Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by

1 electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation
2 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the
3 Department had received the original signed Stipulation and Waiver.

4
5 3/1/04

6 Dated

5 Maria Fernandez LeDesma

6 MARIA FERNANDEZ LEDESMA, Respondent

7 *I have reviewed the Stipulation and Waiver as to form and content and have advised my*
8 *client accordingly.*

9 March 1, 2004

10 Dated

9 Ronald P. Jones

10 RONALD P. JONES, Attorney for Respondent

11 * * *

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

16 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
17 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure.
18 The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation
19 and Waiver.

20 This Order is effective immediately.

21
22 IT IS SO ORDERED March 10, 2004.

23
24 JOHN R. LIBERATOR
Acting Real Estate Commissioner

25
26 John R. Liberator
27

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
FEB - 9 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Application of

MARIA FERNANDEZ LEDESMA,

}

Case No. H-1645 FR

OAH No. N-2004020043

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

**THE OFFICE OF ADMINISTRATIVE HEARINGS
560 J STREET, SUITES 340/360
SACRAMENTO, CALIFORNIA 95814**

on **MARCH 15, 2004**, at the hour of **2:00 PM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: FEBRUARY 9, 2004

By Larry Alama
LARRY A. ALAMA, Counsel

1 LARRY A. ALAMAO, Counsel
2 State Bar No. 47379
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6 Telephone: (916) 227-0789

FILED
DEC 19 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Conteras*

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 MARIA FERNANDEZ LEDESMA,) NO. H-1645 FRESNO
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against MARIA FERNANDEZ LEDESMA (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about May 29, 2003.

24 II

25 Complainant, JOHN W. SWEENEY, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity and not otherwise.

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III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law?", Respondent answered "No".

IV

On or about November 6, 2002, in the Superior Court, County of Tulare, Respondent was convicted of a violation of Section 148.5(a) of the California Penal Code (Falsely Reporting Crime), 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.

V

The crime of which Respondent was convicted, as alleged 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.


VI

Respondent's failure to reveal the conviction set forth above in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the California Business and Professions Code.

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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 under other provisions of law.



JOHN W. SWEENEY
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 10th day of December, 2003.