

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
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FILED
OCT 06 2005

DEPARTMENT OF REAL ESTATE

By Ann Shauer

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

11 In the Matter of the Application of)
12 RANDY ANTHONY RODRIGUES,) No. H-1728 FR
13 Respondent.) STIPULATION AND WAIVER

14
15 It is hereby stipulated by and between RANDY ANTHONY
16 RODRIGUES (hereafter Respondent), and Respondent's attorney
17 Jeffrey L. Levinson, and the Complainant, acting by and through
18 Truly Sughrue, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the
20 Statement of Issues filed on November 18, 2004 in this matter:

21 Respondent acknowledges that Respondent has received
22 and read the Statement of Issues and the Statement to Respondent
23 filed by the Department of Real Estate in connection with
24 Respondent's application for a real estate salesperson license.
25 Respondent understands that the Real Estate Commissioner may hold
26 a hearing on this Statement of Issues for the purpose of
27 requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that he may in his
2 discretion waive the hearing and grant Respondent a restricted
3 real estate salesperson license based upon this Stipulation and
4 Waiver. Respondent also understands that by filing the Statement
5 of Issues in this matter the Real Estate Commissioner is shifting
6 the burden to Respondent to make a satisfactory showing that
7 Respondent meets all the requirements for issuance of a real
8 estate salesperson license. Respondent further understands that
9 by entering into this stipulation and waiver Respondent will be
10 stipulating that the Real Estate Commissioner has found that
11 Respondent has failed to make such a showing, thereby justifying
12 the denial of the issuance to Respondent of an unrestricted real
13 estate salesperson license.

14 Respondent hereby admits that the allegations of the
15 Statement of Issues filed against Respondent are true and correct
16 and requests that the Real Estate Commissioner in his discretion
17 issue a restricted real estate salesperson license to Respondent
18 under the authority of Section 10156.5 of the Business and
19 Professions Code. Respondent understands that any such
20 restricted license will be issued subject to and be limited by
21 Section 10153.4 of the Business and Professions Code.

22 Respondent is aware that by signing this Stipulation
23 and Waiver, Respondent is waiving Respondent's right to a hearing
24 and the opportunity to present evidence at the hearing to
25 establish Respondent's rehabilitation in order to obtain an
26 unrestricted real estate salesperson license if this Stipulation
27 and Waiver is accepted by the Real Estate Commissioner. However,

1 Respondent is not waiving Respondent's right to a hearing and to
2 further proceedings to obtain a restricted or unrestricted
3 license if this Stipulation and Waiver is not accepted by the
4 Commissioner.

5 Respondent further understands that the following
6 conditions, limitations, and restrictions will attach to a
7 restricted license issued by the Department of Real Estate
8 pursuant hereto:

9 1. The license shall not confer any property right in the
10 privileges to be exercised including the right of renewal,
11 and the Real Estate Commissioner may by appropriate order
12 suspend the right to exercise any privileges under this
13 restricted license in the event of:

14 a. The conviction of Respondent (including a plea of nolo
15 contendere) to a crime which bears a substantial
16 relationship to Respondent's fitness or capacity as a
17 real estate licensee; or

18 b. The receipt of evidence that Respondent has violated
19 provisions of the California Real Estate Law, the
20 Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to this restricted
22 license.

23 2. Respondent shall not be eligible to apply for the issuance
24 of an unrestricted real estate license nor the removal of
25 any of the conditions, limitations or restrictions
26 attaching to the restricted license, until two (2) years
27

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

3 3. With the application for license, or with the application
4 for transfer to a new employing broker, Respondent shall
5 submit a statement signed by the prospective employing
6 broker shall certify as follows:

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

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

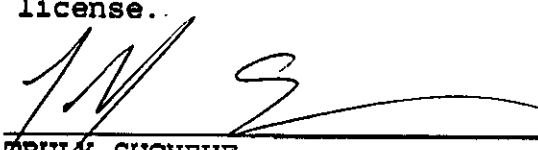
15 4. Respondent shall regularly attend an alcohol abuse
16 treatment or recovery program, such as Alcoholics
17 Anonymous or other formal program, at least once a week
18 during the term(s) of the restricted license.

19 5. Respondent's restricted real estate salesperson license is
20 issued subject to the requirements of Section 10153.4 of
21 the Business and Professions Code, to wit: Respondent is
22 required, within eighteen (18) months of issuance of the
23 restricted license, to submit evidence satisfactory to the
24 Commissioner of successful completion, at an accredited
25 institution, of two of the courses listed in Section
26 10153.2, other than real estate principles, advanced legal
27 aspects of real estate, advanced real estate finance, or

1 advanced real estate appraisal. If Respondent fails to
2 timely present to the Department satisfactory evidence of
3 successful completion of the two required courses, the
4 restricted license shall be automatically suspended
5 effective eighteen (18) months after the date of its
6 issuance. Said suspension shall not be lifted unless,
7 prior to the expiration of the restricted license,
8 Respondent has submitted the required evidence of course
9 completion and the Commissioner had given written notice
10 to Respondent of the lifting of the suspension.

11 6. Pursuant to Section 10154, if Respondent has not satisfied
12 the requirements for an unqualified license under Section
13 10153.4, Respondent shall not be entitled to renew the
14 restricted license, and shall not be entitled to the
15 issuance of another license which is subject to Section
16 10153.4 until four years after the date of the issuance of
17 the preceding restricted license.

18
19 15 Sept 05
20 DATED

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19 
20 TRULY SUGHRUE,
21 Counsel, Department of Real Estate

22 * * *

23 I have read the Stipulation and Waiver, have discussed
24 it with my counsel, and its terms are understood by me and are
25 agreeable and acceptable to me. I understand that I am waiving
26 rights given to me by the California Administrative Procedure Act
27 (including but not limited to Section 11506, 11508, 11509, and

1 11513 of the Government Code), and I willingly, intelligently,
2 and voluntarily waive those rights, including the right of a
3 hearing on the Statement of Issues at which I would have the
4 right to cross-examine witnesses against me and to present
5 evidence in defense and mitigation of the charges.

9/9/05

DATED

Randy Anthony Rodriguez
RANDY ANTHONY RODRIGUES
Respondent

9 I have reviewed the Stipulation and Waiver as to form
10 and content and have advised my client accordingly.

9/10/05

DATED

Jeffrey L. Levinson
JEFFREY L. LEVINSON
Attorney for Respondent

* * *

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

8
9 Therefor, IT IS HEREBY ORDERED that a restricted real
10 estate salesperson license be issued to Respondent, if Respondent
11 has otherwise fulfilled all of the statutory requirement for
12 licensure. The restricted license shall be limited, conditioned,
13 and restricted as specified in the foregoing Stipulation and
14 Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED 9-26-05.

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18 
19 JEFF DAVI
20 Real Estate Commissioner
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1 TRULY SUGHRUE, Counsel (SBN 223266)
2 Department of Real Estate
3 P. O. Box 187007
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5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
SEP 12 2005

DEPARTMENT OF REAL ESTATE

By *Anna Hawker*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-1728 FRESNO
12 RANDY ANTHONY RODRIGUES,)
13 Respondent.) FIRST AMENDED
14) STATEMENT OF ISSUES

15 The Complainant, John Sweeney, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against RANDY ANTHONY RODRIGUES (hereinafter "Respondent"),
18 alleges as follows:

19 I

20 Complainant, John Sweeney, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues in his official capacity.

23 II

24 Respondent made application to the Department of Real
25 Estate of the State of California for a real estate salesperson
26 license on or about March 8, 2004 with the knowledge and
27 understanding that any license issued as a result of said

1 application would be subject to the conditions of Section
2 10153.4 of the California Business and Professions Code
3 (hereinafter "the Code").

4 III

5 On or about August 25, 1994, in the Justice Court of
6 the State of California, County of Kings, Respondent was
7 convicted of the crime of Driving With Blood Alcohol Over .08%
8 in violation of Vehicle Code Section 23152(b), a misdemeanor and
9 a crime involving moral turpitude which bears a substantial
10 relationship under Section 2910, Title 10, California Code of
11 Regulations (herein "the Regulations"), to the qualifications,
12 functions or duties of a real estate licensee.

13 IV

14 On or about January 21, 1997, in the Municipal Court
15 of the State of California, County of Kings, Respondent was
16 convicted of the crime of Reckless Driving (Wet Reckless) in
17 violation of Vehicle Code Section 23103.5, a misdemeanor and a
18 crime involving moral turpitude which bears a substantial
19 relationship under Section 2910 of the Regulations to the
20 qualifications, functions or duties of a real estate licensee.

21 V

22 On or about April 25, 1997, in the Municipal Court of
23 the State of California, County of Kings, Respondent was
24 convicted of the crime of Driving Without A License in violation
25 of Vehicle Code Section 12500(a), a misdemeanor and a crime
26 involving moral turpitude which bears a substantial relationship

27 ///

1 under Section 2910 of the Regulations to the qualifications,
2 functions or duties of a real estate licensee.

3 VI

4 On or about December 5, 1997, in the Municipal Court
5 of the State of California, County of Kings, Respondent was
6 convicted of the crime of Driving Under The Influence Of Alcohol
7 in violation of Vehicle Code Section 23152(a), and of the crime
8 of Driving With Blood Alcohol Over .08% in violation of Vehicle
9 Code Section 23152(b), each a misdemeanor and a crime involving
10 moral turpitude which bears a substantial relationship under
11 Section 2910 of the Regulations to the qualifications, functions
12 or duties of a real estate licensee.

13 VII

14 On or about August 31, 1999, in the Superior Court of
15 the State of California, County of Kings, Respondent was
16 convicted of the crime of Driving Without A License in violation
17 of Vehicle Code Section 12500(a), a misdemeanor and a crime
18 involving moral turpitude which bears a substantial relationship
19 under Section 2910 of the Regulations to the qualifications,
20 functions or duties of a real estate licensee.

21 VIII

22 Respondent's criminal convictions described in
23 Paragraphs III through VII, inclusive, above, individually and
24 collectively constitute cause for denial of Respondent's
25 application for a real estate license under Sections 480(a) and
26 10177(b) of the California Business and Professions Code.

27 ///

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

7
8 
9 JOHN SWEENEY
 Deputy Real Estate Commissioner

10 Dated at Fresno, California,
11 this 9th day of September, 2005.

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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6 -or- (916) 227-0788 (Direct)

FILED
NOV 18 2004

DEPARTMENT OF REAL ESTATE

By Harrie A. Serrano

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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13 Respondent.)

No. H-1728 FRESNO
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5 license to Respondent, and for such other and further relief as
6 may be proper in the premises.

7
8 
9 JOHN SWEENEY
 Deputy Real Estate Commissioner

10 Dated at Fresno, California,
11 this 10th day of November, 2004.