

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
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FILED
AUG 16 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JOSE LUIS MONAR,) NO. H-2049 FR
13 Respondent.) STIPULATION
14) AND WAIVER

15 It is hereby stipulated by and between JOSE LUIS MONAR
16 (herein "Respondent"), and Respondent's attorney, Mary E. Work,
17 and the Complainant, acting by and through Mary F. Clarke,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Statement of Issues
20 filed on February 2, 2007 in this matter:

21 A. Respondent acknowledges that Respondent has
22 received and read the Statement of Issues and the Statement to
23 Respondent filed by the Department of Real Estate in connection
24 with his 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

1 requiring further proof of Respondent's honesty and truthfulness
2 and to prove other allegations therein, or that he may in his
3 discretion waive the hearing and grant Respondent a restricted
4 real estate salesperson license based upon this Stipulation and
5 Waiver. Respondent also understands that by filing the Statement
6 of Issues in this matter the Real Estate Commissioner is shifting
7 the burden to Respondent to make a satisfactory showing that
8 Respondent meets all the requirements for issuance of a real
9 estate salesperson license. Respondent further understands that
10 by entering into this stipulation and waiver, Respondent will be
11 stipulating that the Real Estate Commissioner has found that
12 Respondent has failed to make such a showing, thereby justifying
13 the denial of the issuance to Respondent of an unrestricted real
14 estate salesperson license. Respondent hereby admits that the
15 allegations of the Statement of Issues filed against Respondent
16 are true and correct and requests that the Real Estate
17 Commissioner in his discretion issue a restricted real estate
18 salesperson license to Respondent under the authority of Section
19 10156.5 of the Business and Professions Code.
20

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

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

5 C. 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
10 the privileges to be exercised including the right of renewal,
11 and the Real Estate Commissioner may by appropriate order suspend
12 the right to exercise any privileges granted under this
13 restricted license in the event of:

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

18 b. The receipt of evidence that Respondent has
19 violated 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 license.

22 2. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor the removal
24 of any of the conditions, limitations or restrictions attaching
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1 to the restricted license until two years have elapsed from the
2 date of issuance of the restricted license to Respondent.

3 3. The Commissioner may, in the Commissioner's
4 discretion, deny any application by Respondent for the issuance
5 of an unrestricted real estate license or for the removal of any
6 of the conditions, limitations or restrictions of a restricted
7 license, unless, with such application, Respondent provides proof
8 acceptable to the Real Estate Commissioner that, throughout the
9 term of the restricted license issued pursuant to this
10 Stipulation And Waiver, Respondent has, each and every week,
11 attended one or more sessions of Alcoholics Anonymous or
12 Narcotics Anonymous, or that such attendance in any week was
13 impractical due to travel for work, the illness of Respondent or
14 a member of Respondent's family, incarceration, residential
15 treatment for substance abuse, extreme personal hardship for
16 Respondent or a member of Respondent's family, or family
17 emergency.
18

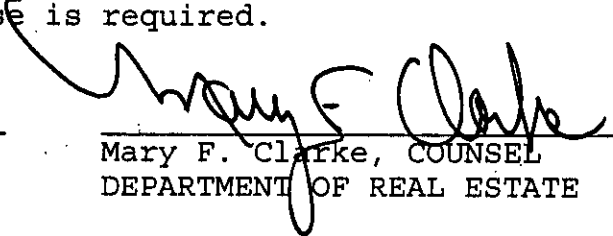
19 4. With the application for license, or with the
20 application for transfer to a new employing broker, Respondent
21 shall submit a statement signed by the prospective employing
22 broker on a form approved by the Department of Real Estate
23 wherein the employing broker shall certify as follows:

24 a. That broker has read the Statement of Issues which
25 is the basis for the issuance of the restricted license; and
26
27

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

5 6-11-07

6 DATED

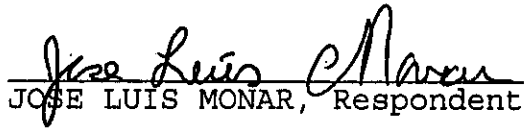

Mary F. Clarke, COUNSEL
DEPARTMENT OF REAL ESTATE

8 * * *

9 I have read the Stipulation and Waiver and discussed
10 it with my attorney and its terms are understood by me and are
11 agreeable and acceptable to me. I understand that I am waiving
12 rights given to me by the California Administrative Procedure
13 Act (including but not limited to Sections 11506, 11508, 11509,
14 and 11513 of the Government Code), and I willingly,
15 intelligently, and voluntarily waive those rights, including
16 the right of a hearing on the Statement of Issues at which I
17 would have the right to cross-examine witnesses against me and
18 to present evidence in defense and mitigation of the charges.

19
20 6.25.07

21 DATED


JOSE LUIS MONAR, Respondent

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

24 6.25.07

25 Dated


Mary E. Work, Attorney for Respondent

26 * * *

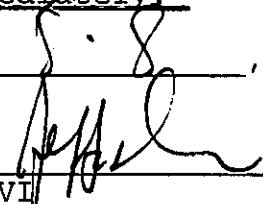
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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be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

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

This Order is effective immediately.

IT IS SO ORDERED _____, 2007.



JEFF DAVI
Real Estate Commissioner

1 MARY F. CLARKE, Counsel (SBN 186744)
Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
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FEB - 2 2007

DEPARTMENT OF REAL ESTATE

By H. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JOSE LUIS MONAR,) H-2049 FR
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, JOHN SWEENEY, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JOSE LUIS MONAR (herein "Respondent") is informed and
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 against Respondent 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 October 18, 2005, 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 10153.4
2 of the Business and Professions Code (herein "Code").

3 III

4 On or about July 8, 1997, in the Superior Court of
5 California, County of Riverside, Respondent was convicted of the
6 crime of Driving With Blood Alcohol Over .08% in violation of
7 Section 23152(b) of the Vehicle Code, a misdemeanor and a crime
8 involving moral turpitude that bears a substantial relationship
9 under Section 2910, Title 10, Chapter 6 of the California Code
10 of Regulations (herein "Regulations"), to the qualifications,
11 functions, or duties of a real estate licensee.

12 IV

13 On or about April 27, 1999, in the Superior Court of
14 California, County of Riverside, Respondent was convicted of the
15 crime of Driving Under The influence Of Alcohol in violation of
16 Section 23152(a) of the Vehicle Code, and of the crime of Driving
17 With Blood Alcohol Over .08% With A Prior Conviction in violation
18 of Section 23152(b) of the Vehicle Code, each a misdemeanor and
19 a crime involving moral turpitude that bears a substantial
20 relationship under Section 2910 of the Regulations to the
21 qualifications, functions, or duties of a real estate licensee.

22 V

23 On or about July 31, 2001, in the Superior Court of
24 California, County of Los Angeles, Respondent was convicted of
25 the crime of Driving With Blood Alcohol Over .08% With Two Prior
26 Convictions in violation of Section 23152(b) of the Vehicle Code,
27 a misdemeanor and a crime involving moral turpitude that bears a

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

3 VI

4 On or about April 14, 2005, in the Superior Court of
5 California, County of San Mateo, Respondent was convicted of the
6 crime of Driving With Blood Alcohol Over .08% With Prior
7 Convictions in violation of Section 23152(b) of the Vehicle Code,
8 a misdemeanor and a crime involving moral turpitude that bears a
9 substantial relationship under Section 2910 of the Regulations to
10 the qualifications, functions, or duties of a real estate licensee.

11 VII

12 Respondent's criminal convictions, described in
13 Paragraphs III, IV, V, and VI, above, constitute cause for denial
14 of Respondent's application for a real estate salesperson license
15 pursuant to the provisions of Sections 480(a) and 10177(b) of the
16 Code.

17 WHEREFORE, Complainant prays that the above-entitled
18 matter be set for hearing and, upon proof of the charges
19 contained herein, that the Commissioner refuse to authorize the
20 issuance of, and deny the issuance of a real estate salesperson
21 license to Respondent, and for such other and further relief as
22 may be proper under other provisions of law.

23
24 
25 JOHN SWEENEY
Deputy Real Estate Commissioner

26 Dated at Fresno, California
27 this 10th day of January, 2007.