

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

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 *In the Matter of the Application of*

10 ANGELICA MARIA MARTINEZ,

11 Respondent.

) NO. H-2064 FR

) STIPULATION AND WAIVER

12
13 I, ANGELICA MARIA MARTINEZ, Respondent herein, do hereby affirm that I have
14 applied to the Department of Real Estate for a real estate salesperson license and that to the best of my
15 knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the
16 payment of the fee therefor.

17 I acknowledge that I have received and read the Statement of Issues and the Statement to
18 Respondent filed by the Department of Real Estate on March 12, 2007, in connection with my application
19 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on
20 this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to
21 prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted
22 real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
23 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
24 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
25 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
26 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
27 issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and
2 correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate
3 salesperson license to me under the authority of Section 10156.5 of the Business and Professions Code. I
4 understand that any such restricted license will be issued subject to and be limited by Section 10153.4 of the
5 Business and Professions Code.

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

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

- 13 1. The license shall not confer any property right in the privileges to be exercised
14 including the right of renewal, and the Real Estate Commissioner may by appropriate
15 order suspend the right to exercise any privileges granted under this restricted license
16 in the event of:
 - 17 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
18 which bears a substantial relationship to Respondent's fitness or capacity as a
19 real estate licensee; or
 - 20 b. The receipt of evidence that Respondent has violated provisions of the California
21 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
22 Commissioner, or conditions attaching to this restricted license.
- 23 2. I 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
25 restricted license until two years have elapsed from the date of issuance of the
26 restricted license to Respondent.

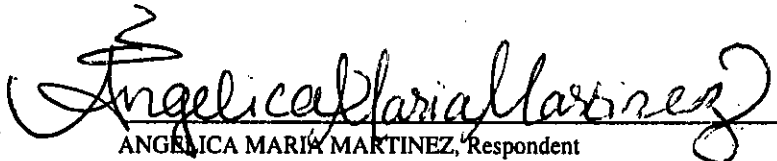
27 ///

- 1 3. With the application for license, or with the application for transfer to a new
2 employing broker, I shall submit a statement signed by the prospective employing
3 broker on a form approved by the Department of Real Estate wherein the employing
4 broker shall certify as follows:
- 5 a. That broker has read the Statement of Issues which is the basis for the issuance
6 of the restricted license; and
- 7 b. That broker will carefully review all transaction documents prepared by the
8 restricted licensee and otherwise exercise close supervision over the licensee's
9 performance of acts for which a license is required.
- 10 4. My restricted real estate salesperson license is issued subject to the requirements of
11 Section 10153.4 of the Business and Professions Code, to wit: I am required, within
12 eighteen (18) months of the issuance of the restricted license, to submit evidence
13 satisfactory to the Commissioner of successful completion, at an accredited
14 institution, of a course in real estate practices and one of the courses listed in Section
15 10153.2, other than real estate principles, advanced legal aspects of real estate,
16 advanced real estate finance, or advanced real estate appraisal. If I fail to timely
17 present to the Department satisfactory evidence of successful completion of the two
18 required courses, the restricted license shall be automatically suspended effective
19 eighteen (18) months after the date of its issuance. Said suspension shall not be lifted
20 unless, prior to the expiration of the restricted license, I have submitted the required
21 evidence of course completion and the Commissioner has given written notice to
22 Respondent of the lifting of the suspension.
- 23 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified
24 license under Section 10153.4, Respondent shall not be entitled to renew the restricted
25 license, and shall not be entitled to the issuance of another license which is subject to
26 Section 10153.4 until four years after the date of the issuance of the preceding
27 restricted license.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

3/23/07

Dated


ANGELICA MARIA MARTINEZ, Respondent

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 ANGELICA MARIA MARTINEZ, 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

March 29, 2007

JEFF DAVI
Real Estate Commissioner

By:


STEVEN J. ELLIS
Northern Regional Manager

1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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FILED
MAR 12 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Application of)
13 ANGELICA MARIA MARTINEZ,) H-2064 FR
14 Respondent.) STATEMENT OF ISSUES

15
16 The Complainant, STEVEN J. ELLIS, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against ANGELICA MARIA MARTINEZ (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Complainant, STEVEN J. ELLIS, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate salesperson
27 license on or about July 8, 2005, with the knowledge and

1 understanding that any license issued as a result of said
2 application would be subject to the conditions of Section
3 10153.4 of the Business and Professions Code (hereinafter
4 "Code").

5 III

6 On or about July 29, 2002, in the Superior Court of
7 the State of California, County of Santa Cruz, Respondent was
8 convicted of Fraud to Obtain Aid in violation of Welfare Code
9 Section 10980(c)(2), a misdemeanor and crime involving moral
10 turpitude that bears a substantial relationship under Section
11 2910, Title 10, California Code of Regulations (hereinafter
12 "Regulations"), to the qualifications, functions, or duties of
13 a real estate licensee.

14 IV

15 On or about June 29, 2005, in the Superior Court of
16 the State of California, County of Santa Cruz, Respondent was
17 convicted of Failure to Appear in violation of Vehicle Code
18 Section 40508(a), a misdemeanor and crime involving moral
19 turpitude that bears a substantial relationship under Section
20 2910, Title 10, of the Regulations to the qualifications,
21 functions, or duties of a real estate licensee.

22 V

23 Respondent's criminal convictions, described in
24 Paragraphs III and IV above, constitute cause for denial of
25 Respondent's application for a real estate license under
26 Sections 480(a) and 10177(b) of the Code.

27 \\\

WHEREFORE, Complainant prays that 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 just and proper under the law.

~~STEVEN J. ELLIS~~
~~Deputy Real Estate Commissioner~~

Dated at Sacramento, California
this 28th day of February, 2007.