

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

MAY - 1 2008

DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10
11 *In the Matter of the Application of*

) NO. H-2218 FR
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12 LUDUVINA VILLANO GONZALEZ,

13 Respondent.

) **STIPULATION AND WAIVER**
)

14 It is hereby stipulated by and between LUDUVINA VILLANO GONZALEZ (hereinafter
15 "Respondent") and Respondent's attorney, Michael Weisberg, and the Complainant, acting by and through
16 David B. Seals, 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 18, 2007 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 may in his discretion waive the
23 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
24 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
25 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
26 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by
27 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner

1 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
2 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 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. Respondent understands that any such restricted license will be issued
7 subject to and be limited by Section 10153.4 of the Business and Professions Code.

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

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

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

1 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 issuance
8 of the restricted license; and

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

12 4. Respondent's restricted real estate salesperson license is issued subject to the
13 requirements of Section 10153.4 of the Business and Professions Code, to wit:
14 Respondent is required, within eighteen (18) months of the issuance of the restricted
15 license, to submit evidence satisfactory to the Commissioner of successful completion,
16 at an accredited institution, of a course in real estate practices and one of the courses
17 listed in Section 10153.2, other than real estate principles, advanced legal aspects of
18 real estate, advanced real estate finance, or advanced real estate appraisal. If
19 Respondent fails to timely present to the Department satisfactory evidence of
20 successful completion of the two required courses, the restricted license shall be
21 automatically suspended effective eighteen (18) months after the date of its issuance.
22 Said suspension shall not be lifted unless, prior to the expiration of the restricted
23 license, Respondent has submitted the required evidence of course completion and the
24 Commissioner has given written notice to Respondent of the lifting of the suspension.

25 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an
26 unqualified license under Section 10153.4, Respondent shall not be entitled to renew
27 the restricted license, and shall not be entitled to the issuance of another license which

1 is subject to Section 10153.4 until four years after the date of the issuance of the
2 preceding restricted license.

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4 Feb. 29, 2008

5 Dated

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DAVID B. SEALS, Counsel, Department of Real Estate

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

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

19
20 2-29-08

21 Dated

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LUDUVINA VILLANO GONZALEZ, Respondent

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

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26 2/29/08

27 Dated

MICHAEL WEISBERG, Attorney for Respondent

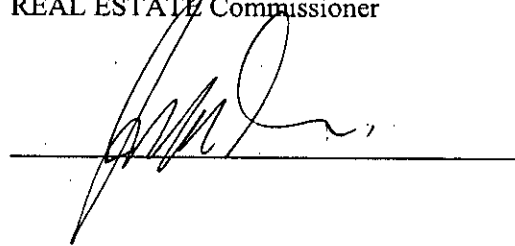
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public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

4-3008
JEFF DAVI
REAL ESTATE Commissioner



FILED

DEC 18 2007

DEPARTMENT OF REAL ESTATE

By K. Mar

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Department of Real Estate
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Sacramento, CA 95818-7007

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of
LIDUVINA VILLANO GONZALEZ,
Respondent.

No. H-2218 FR

STATEMENT OF ISSUES

The Complainant, John Sweeney, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against LIDUVINA VILLANO GONZALEZ (hereinafter "Respondent") alleges as follows:

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Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about October 1, 2007 with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the California Business and Professions Code.

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1 II

2 Complainant, John Sweeney, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

5 III

6 On or about October 7, 1991, in the Municipal Court of
7 California, County of Santa Clara, Respondent was convicted of
8 violation of California Welfare and Institutions Code Section
9 10980(c)(2) (Unlawful to Obtain Aid of \$400 or More), a
10 misdemeanor and a crime involving moral turpitude which is
11 substantially related under Section 2910, Title 10, California
12 Code of Regulations (hereinafter the "Regulations") to the
13 qualifications, functions or duties of a real estate licensee.

14 IV

15 Respondent's criminal conviction, as alleged in
16 Paragraph III above, constitutes cause for denial of
17 Respondent's application for a real estate license under Section
18 10177(b) of the California Business and Professions Code, in
19 conjunction with Section 480(a) of the California Business and
20 Professions Code.

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

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8 
9 JOHN SWEENEY
 Deputy Real Estate Commissioner

10 Dated at Fresno, California,
11 this 13th day of December, 2007.