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FILED

DEC 13 2010

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

RAUL COBOS,

Respondent.

No. H-2231 FR

ORDER GRANTING UNRESTRICTED LICENSE

On August 17, 2008, 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 September 5, 2008, and Respondent has operated as a restricted licensee since that time.

On August 30, 2010, 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

///

1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to
5 the following understanding and conditions:

6 1. The license issued pursuant to this order shall be deemed to be the first
7 renewal of Respondent's real estate salesperson license for the purpose of applying the provisions
8 of Section 10153.4.

9 2. Within twelve (12) months from the date of this order Respondent shall:

10 (a) Submit a completed application and payment of the appropriate fee for a
11 real estate salesperson license, and

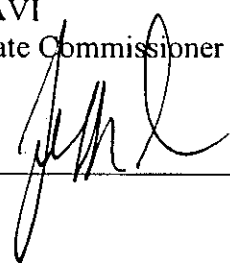
12 (b) Submit evidence of having taken and successfully completed the courses
13 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
14 for renewal of a real estate license.

15 3. Upon renewal of the license issued pursuant to this order, Respondent
16 shall submit evidence of having taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
18 license.

19 This Order shall become effective immediately.

20 IT IS SO ORDERED 11-30-2010

21 JEFF DAVI
22 Real Estate Commissioner

23 
24 _____
25
26
27

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6

FILED

AUG 19 2008

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 RAUL COBOS

12
13 Respondent

)
) No. H- 2231 FR
)

)
) STIPULATION AND
) WAIVER
)

14
15 I, RAUL COBOS, respondent herein, do hereby affirm that I have applied to the Department of Real
16 Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the
17 statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on March 5, 2008, in connection with my application for a real estate
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
23 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
25 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
26 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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

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

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

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 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 including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 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 the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.

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

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

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 15/29/08
4 Dated

Raul Cobos
5 RAUL COBOS, Respondent

6 ***

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

11 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
12 respondent RAUL COBOS if respondent has otherwise fulfilled all of the statutory requirements for
13 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
14 Stipulation and Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED 8-17-08

17 Jeff Davi
18 Real Estate Commissioner

19 Barbara J. Bigby

20 BY: Barbara J. Bigby
21 Chief Deputy Commissioner

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

3
4 Telephone: (916) 227-0789
-or- (916) 227-0780 (Direct)

FILED

MAR - 5 2008

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 RAUL COBOS,)
14 Respondent.)
15 _____)

H-2231 FR

STATEMENT OF ISSUES

16 The Complainant, JOHN SWEENEY, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against RAUL COBOS (herein "Respondent") is informed and alleges
19 as follows:

20 I

21 Complainant, JOHN SWEENEY, 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 23, 2007, 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 10153.4
3 of the Business and Professions Code (herein "Code").

4 III

5 On or about March 15, 2004, in the Superior Court of
6 California, County of San Bernardino, Respondent was convicted of
7 the crime of Wet Reckless Driving in violation of Section 23103.5
8 of the Vehicle Code, a misdemeanor and a crime involving moral
9 turpitude that bears a substantial relationship under Section
10 2910, Title 10, Chapter 6 of the California Code of Regulations
11 (herein "Regulations"), to the qualifications, functions, or
12 duties of a real estate licensee.

13 IV

14 On or about November 17, 2005, in the Superior Court
15 of California, County of Kings, Respondent was convicted of the
16 crime of Driving While Blood Alcohol Is Greater Than .08 Percent
17 And More By Weight in violation of Section 23152(b) of the
18 Vehicle Code, a misdemeanor and a crime involving moral turpitude
19 that bears a substantial relationship under Section 2910 of the
20 Regulations to the qualifications, functions, or duties of a real
21 estate licensee.

22 V

23 On or about September 18, 2006, in the Superior Court
24 of California, County of Tulare, Respondent was convicted of the
25 crime of Speeding And Driving With A Suspended License in
26 violation of Sections 22349(b) and 14601.2(a) of the Vehicle
27 Code, each a misdemeanor and a crime involving moral turpitude

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

4 VI

5 Respondent's criminal convictions, described in
6 Paragraphs III, IV, and V, above, constitute cause for denial of
7 Respondent's application for a real estate salesperson license
8 pursuant to the provisions of Sections 480(a) and 10177(b) of
9 the Code.

10 WHEREFORE, Complainant prays that the above-entitled
11 matter be set for hearing and, upon proof of the charges
12 contained herein, that the Commissioner refuse to authorize the
13 issuance of, and deny the issuance of a real estate salesperson
14 license to Respondent, and for such other and further relief as
15 may be proper under other provisions of law.

16
17
18
19 
20 JOHN SWEENEY
21 Deputy Real Estate Commissioner

22 Dated at Fresno, California
23 this 28th day of February, 2008.