

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

JUL 17 2019

DEPT. OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12) H-03267 FR
13 GILBERT HENRY BRITO JR,)
14 Respondent.) STIPULATION AND WAIVER
15)

16 I, Gilbert Henry Brito Jr (“Respondent”), do hereby affirm that I have applied to the
17 Department of Real Estate (“Department”) for a real estate salesperson license, and that to the best
18 of my knowledge I have satisfied all of the statutory requirements for the issuance of the license,
19 including, but not limited to, the payment of the fee therefor.

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
21 Real Estate Commissioner (“Commissioner”) has found grounds that justify the denial of the
22 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to
23 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Business and
24 Professions Code (“Code”) section 10177(b) for the following convictions and my failure to
25 disclose all my convictions in my application pursuant to Code section 10177(a):

- 26 • July 11, 1995: violation of California Penal Code section 273.5 (infliction of corporal
27 injury on spouse), a misdemeanor;

- 1 • April 29, 1999: violation of California Penal Code section 236 (false imprisonment), a
2 misdemeanor pursuant to Penal Code 17(b);
- 3 • October 30, 2001: violation of California Vehicle Code section 23152(a) (DUI), a
4 misdemeanor;
- 5 • November 28, 2005: violation of California Vehicle Code section 23152(b) (DUI of
6 0.08% or more blood alcohol), a misdemeanor;
- 7 • December 28, 2016: violation of California Vehicle Code section 14601.2(a) (driving
8 when privilege suspended with prior(s)), a misdemeanor; and
- 9 • August 9, 2017: violation of California Vehicle Code sections 12500(a) (driving without
10 a license) and 16028(a) (failure to provide evidence of financial responsibility for
11 vehicle), misdemeanors.

12 I hereby request that the Commissioner in his discretion issue a restricted real estate
13 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I
14 understand that any such restricted license will be issued subject to the provisions and limitations of
15 Sections 10156.6 and 10156.7 of the Code.

16 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation
17 and Waiver is accepted and signed by the Commissioner, the Commissioner will not file a
18 Statement of Issues based on the grounds herein, and I am waiving my right to a hearing and the
19 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
20 unrestricted real estate salesperson license.

21 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and
22 restrictions imposed on my restricted license, identified below, may be removed only by filing a
23 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition must
24 follow the procedures set forth in Government Code Section 11522.

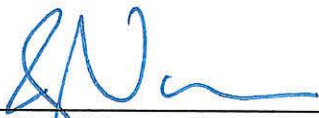
25 I further understand that the restricted license issued to me shall be subject to all of the
26 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
27 restrictions imposed under authority of Section 10156.6 of the Code:

- 1 1. The restricted license shall not confer any property right in the privileges to be exercised
2 including the right of renewal, and the Commissioner may by appropriate order suspend
3 the right to exercise any privileges granted under the restricted license in the event of:
- 4 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
5 bears a substantial relationship to Respondent's fitness or capacity as a real estate
6 licensee; or
- 7 b. The receipt of evidence that Respondent has violated provisions of the California
8 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
9 conditions attaching to the restricted license.
- 10 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
11 estate license nor the removal of any of the conditions, limitations, or restrictions
12 attaching to the restricted license until three (3) years have elapsed from the date of
13 issuance of the restricted license to Respondent. Respondent shall not be eligible to
14 apply for any unrestricted licenses until all restrictions attaching to the license have
15 been removed.
- 16 3. Respondent shall notify the Commissioner in writing within seventy-two (72) hours of
17 any arrest by sending a certified letter to the Commissioner at the Department of Real
18 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth
19 the date of Respondent's arrest, the crime for which Respondent was arrested, and the
20 name and address of the arresting law enforcement agency. Respondent's failure to
21 timely file written notice shall constitute an independent violation of the terms of the
22 restricted license and shall be grounds for the suspension or revocation of that license.
- 23 4. With the application for license or with the application for transfer to a new employing
24 broker, Respondent shall submit a statement signed by the prospective employing
25 broker on a form approved by the Department wherein the employing broker shall
26 certify as follows:
- 27 a. That the broker has read the Stipulation and Waiver which is the basis for the

1 issuance of the restricted license; and

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

5
6 6-10-2019
7 Dated


8 Judith B. Vasan, Counsel
9 Department of Real Estate

10 Respondent has read this Stipulation and Waiver, and its terms are understood by
11 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
12 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,
13 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and
14 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited
15 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to
16 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of
17 the charges.

18 Respondent shall send a hard copy of the signed original Stipulation and Waiver to
19 Department of Real Estate, Legal Section, Attn: Judith B. Vasan at 320 W. 4th Street, Suite 350,
20 Los Angeles, California 90013.

21 5.31.19
22 Dated


23 GILBERT HENRY BRITO JR, Respondent

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

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

5 This Order is effective immediately.

6 IT IS SO ORDERED July 15, 2019.

7 DANIEL J. SANDRI
8 ACTING REAL ESTATE COMMISSIONER

9
10 