

4

FILED

JAN 21 2021

DEPT. OF REAL ESTATE

By 

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Application of	)	No. H-03297 FR
	)	
ANTERO DAVID ITURRIRIA,	)	OAH No. 2020030097
	)	
Respondent.	)	
	)	

STIPULATION AND WAIVER AND DECISION AFTER REJECTION

I, ANTERO DAVID ITURRIRIA, Respondent herein, acknowledge that I have received and read the Statement of Issues filed by the Department of Real Estate on February 13, 2020, and the Statement to Respondent sent to me in connection with the Statement of Issues.

I hereby admit that the allegations contained in the Statement of Issues filed against me are true and correct and constitute a basis for the denial of my real estate broker license application.

I further acknowledge that the Real Estate Commissioner held a hearing on this Statement of Issues on July 24, 2020, before the Office of Administrative Hearings for the purpose of proving the allegations therein. I was present at the hearing in which I was represented by counsel and participated therein. Further, I have had an opportunity to read and review the Proposed Decision of the Administrative Law Judge.

1 I understand that pursuant to Government Code Section 11517(c), the Real  
2 Estate Commissioner has rejected the Proposed Decision of the Administrative Law Judge.  
3 I further understand that pursuant to the same Section 11517(c), the Real Estate Commissioner  
4 may decide this case upon the record, including the transcript, without taking any additional  
5 evidence, after affording me the opportunity to present written argument to the Real Estate  
6 Commissioner.

7 I further understand that by signing this Stipulation and Waiver, I am waiving  
8 my right to obtain a dismissal of the Statement of Issues through proceedings under  
9 Government Code Section 11517(c) if this Stipulation and Waiver is accepted by the Real  
10 Estate Commissioner. However, I also understand that I am not waiving my rights to further  
11 proceedings to obtain a dismissal of the Statement of Issues if this Stipulation and Waiver is not  
12 accepted by the Real Estate Commissioner.

13 I hereby request that the Real Estate Commissioner in his discretion deny my  
14 application for a real estate broker license and issue to me a restricted real estate broker license  
15 under the authority of Section 10156.5 of the Business and Professions Code.

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

20 I further understand that the restricted license issued to me shall be subject to all  
21 of the provisions of Section 10156.7 of the Business and Professions Code and to the following  
22 limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the  
23 Business and Professions Code.

24 By reason of the foregoing and solely for the purpose of settlement of the  
25 Statement of Issues without further administrative proceedings, it is stipulated and agreed that  
26 the Commissioner shall adopt the following Order:

27 ///

1 ORDER

2 Respondent's application for a real estate license is denied; provided, however, a  
3 restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5  
4 of the Business and Professions Code.

5 The conditions, limitations, and restrictions imposed on the restricted broker  
6 license issued to Respondent, identified below, may be removed only by filing a Petition for  
7 Removal of Restrictions ("petition") with the Real Estate Commissioner, and the petition must  
8 follow the procedures set forth in Government Code Section 11522.

9 The restricted broker license issued to Respondent shall be subject to all of the  
10 provisions of Section 10156.7 of the Business and Professions Code and to the following  
11 limitations, conditions and restrictions imposed under authority of Section 10156.6 of the  
12 Business and Professions Code:

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

24 ///

25 ///


26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

- 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted license until two (2) years have elapsed from the date of issuance of the restricted license to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
  
- 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATED: 12-4-2020

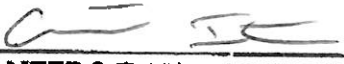
  
\_\_\_\_\_  
Steve Chu, Counsel  
Department of Real Estate

///  
///  
///  
///  
///  
///  
///


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I have read the Stipulation and Waiver and its terms are agreeable and acceptable to me. I understand that I am waiving my rights given to me by the California Administrative Procedure Act (including but not limited to Section 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate. I can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by mailing the original signed Stipulation and Waiver to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

DATED: 11/19/20

  
ANTERO DAVID ITURRIRIA  
Respondent

DATED: 11/19/20

  
William L. Alexander  
Counsel for Respondent  
Approved as to Form

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I have read the Statement of Issues filed herein, the Proposed Decision of the Administrative Law Judge dated August 22, 2020, and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that it will not be inimical to the public interest to issue a restricted broker license to Respondent.

Therefore, IT IS HEREBY ORDERED that the application for real estate broker license of Respondent be denied and a restricted real estate broker 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 shall become effective at 12 o'clock noon on February 19, 2021

IT IS SO ORDERED 1-12-21

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

DOUGLAS R. McCAULEY