

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
JUL 18 2006

DEPARTMENT OF REAL ESTATE

By Anne Shaver

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11
12 NICHOLAS ANDREW BENAVIDES

13
14 Respondent

)
) No. H- 3556 SD
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

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

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on July 7, 2006, in connection with my application for a real estate
21 broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
27

1 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
3 unrestricted real estate broker license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
5 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
6 under the authority of Section 10156.5 of the Business and Professions Code.

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

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

14 1. The license shall not confer any property right in the privileges to be exercised and the Real
15 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
16 granted under this restricted license in the event of:

17 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
18 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

19 b. The receipt of evidence that respondent has violated provisions of the California Real
20 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
21 conditions attaching to this restricted license.

22 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
23 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
24 until two years have elapsed from the date of issuance of the restricted license to respondent.

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

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4
5 July 10th, 2006
6 Dated


NICHOLAS ANDREW BENAVIDES, Respondent

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8 ***

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

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
14 respondent NICHOLAS ANDREW BENAVIDES if respondent has otherwise fulfilled all of the statutory
15 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
16 the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED July 18, 2006.

19 Jeff Davi
20 Real Estate Commissioner

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22 
23 BY: STEVEN J. ELLIS
24 Regional Manager
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1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
JUL 07 2006

DEPARTMENT OF REAL ESTATE

By *Arne Shauer*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 NICHOLAS ANDREW BENAVIDES,)
13 Respondent.)

No. H-3556 SD

STATEMENT OF ISSUES

14
15 The Complainant, PHILLIP IHDE, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against NICHOLAS ANDREW BENAVIDES (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate broker
22 license on or about April 17, 2006.

23 II

24 Complainant, PHILLIP IHDE, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

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III

On or about September 17, 2003, in the Superior Court, County of San Bernardino, Respondent was convicted of a violation of Section 529.5(c) of the California Penal Code (Possession of a False Driver's License), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

PRIOR PROCEEDING

V

Effective January 10, 2006, in Case No. H-30904 LA before the State of California Department of Real Estate, the application of Respondent for a real estate salesperson license was denied with the right to a restricted real estate salesperson license for violation of Sections 480(a), and 10177(b) of the 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 charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate broker
5 license to Respondent, and for such other and further relief as
6 may be proper under other provisions of law.

7
8 
9 PHILLIP IHDE
Deputy Real Estate Commissioner

10 Dated at Los Angeles, California,
11 this 6th day of JULY, 2006.