

1 Bureau of Real Estate  
320 W. 4th Street, Suite 350  
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

**FILED**

JUL - 3 2018

BUREAU OF REAL ESTATE

By *[Signature]*

8 BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of

12 RICARDO GARCIA,

13 Respondent.

CalBRE No. H-04989 SD

STIPULATION AND WAIVER

14  
15 I, RICARDO GARCIA, Respondent herein, do hereby affirm that I have applied to the Bureau  
16 of Real Estate for a real estate salesperson 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  
18 the fee therefor.

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

1 into this Stipulation and Waiver I will be stipulating that the Commissioner has found that I have  
2 failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted  
3 real estate salesperson license.

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

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

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

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

- 21 1. The restricted license shall not confer any property right in the privileges to be exercised  
22 including the right of renewal, and the Commissioner may by appropriate order suspend  
23 the right to exercise any privileges granted under the restricted license in the event of:
  - 24 a. Respondent’s conviction (including a plea of nolo contendere) of a crime which  
25 bears a substantial relationship to Respondent’s fitness or capacity as a real estate  
26 licensee; or

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

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.

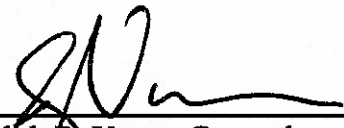
3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Bureau wherein the employing broker shall certify as follows:

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

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

4. Respondent shall notify the Commissioner in writing within seventy-two (72) hours of any arrest by sending a certified letter to the Commissioner at the Bureau 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.

6-12-2018  
Dated


  
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Judith B. Vasan, Counsel  
Bureau of Real Estate

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2 Respondent has read this Stipulation and Waiver and its terms are understood by Respondent,  
3 and agreeable and acceptable to Respondent. Respondent understands that Respondent is waiving  
4 rights given to Respondent by the Administrative Procedure Act (including, but not limited to,  
5 Government Code sections 11504, 11506, 11508, 11509, and 11513), and willingly, intelligently,  
6 and voluntarily waives those rights, including, but not limited to, the right to a hearing on a  
7 Statement of Issues at which Respondent would have the right to cross-examine witnesses against  
8 Respondent and to present evidence in defense and mitigation of the charges.

9 Respondent shall send a hard copy of the original signed Stipulation and Waiver to:  
10 Judith B. Vasan, Bureau of Real Estate, 320 West Fourth St, Ste 350, Los Angeles, CA, 90013.

11  
12 6/7/18  
13 Dated

  
RICARDO GARCIA, Respondent

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

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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 license shall be limited, conditioned, and restricted as specified in the  
4 foregoing Stipulation and Waiver.

5 This Order is effective immediately.

6 IT IS SO ORDERED *June 22, 2018*

7 WAYNE S. BELL  
8 REAL ESTATE COMMISSIONER

9  
10 By: *Daniel J. Sandri*  
11 DANIEL J. SANDRI  
12 Chief Deputy Commissioner