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

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Telephone: (916) 227-0789



SEP 1 0 2008

DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Application of

No. H- 5003 SAC

ANDREW ALEJO AVALOS

STIPULATION AND WAIVER

Respondent

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

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on June 12, 2008, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

RE 511B (Rev. 12/03)

RE 511B (Rev. 12/03) Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

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

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

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

- 1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - b. The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.
- 2. <u>I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the</u> removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

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

- That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That 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. My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and one of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of the lifting of the suspension.
- 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending 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	8/15/2008 Lindrew (lego (healor
4	Dated ANDREW ALEJO AVALOS, Respondent
5	I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
6	respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
7	truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
8	restricted real estate salesperson license to respondent.
9	Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
10	respondent ANDREW ALEJO AVALOS if respondent has otherwise fulfilled all of the statutory
11	requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
12	the foregoing Stipulation and Waiver.
14	This Order is effective immediately.
15	IT IS SO ORDERED 9-5-08
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19	BY: Barbara J. Bigby Chief Deputy Commissioner
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RE 511B (Rev. 12/03)

1 MICHAEL B. RICH, Counsel State Bar No. 84257 Department of Real Estate P.O. Box 187007 3 Sacramento, CA 95818-7007 4 Telephone: (916) 227-1126 5 6 7 8 9 10 11

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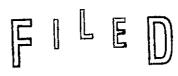
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JUN 1 2 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) $\,$ H-5003 SAC

ANDREW ALEJO AVALOS,

Respondent.

STATEMENT OF ISSUES

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ANDREW ALEJO AVALOS (hereinafter "Respondent"), is informed and alleges as follows:

Ι

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about March 23, 2007, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

On or about June 18, 1998, in the Superior Court, County of Sacramento, State of California, in case number 97M07765, Respondent was convicted of violating Section 273.5 of the California Penal Code (Willful infliction of corporal injury upon spouse/cohabitant and/or the mother of his child), a misdemeanor and 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

On or about February 28, 2001, in the Superior Court, County of Sacramento, State of California, in case number 00F09291, Respondent was convicted of two counts of violating Section 11379(a) of the California Health and Safety Code (Unlawful transportation, importation, sell, furnish a controlled substance, to wit: anabolic steroids), felonies which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

The crimes of which Respondent was convicted, as alleged in Paragraphs III and IV, above, individually and

collectively, constitute 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.

MATTERS IN AGGRAVATION

VI

On or about May 22, 1990, in the Justice Court, County of El Dorado, State of California, in case number 13148, Respondent was convicted of violating Section 261.5 of the California Penal Code (Unlawful sexual intercourse with a minor), a misdemeanor.

VII

On or about March 28, 2001, in the Superior Court,

County of Sacramento, State of California, in case number

00M05089, Respondent was convicted of violating Section 242 of

the California Penal Code (Battery), a misdemeanor 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.

VIII

In response to Question 25 of the license application submitted on or about March 23, 2007, to wit: "Have you ever been convicted of any violation of law?", Respondent answered "Yes" and disclosed the convictions set forth in Paragraphs III, IV, and VII, above. Respondent failed to disclose the conviction set forth in Paragraph VI, above.

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

Dated at Sacramento, California,

day of

CHARLES W. KOENIG

Deputy Real Estate Commissioner