

**FILED**

SEP 23 2024

DEPT. OF REAL ESTATE

By

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

Telephone: (213) 576-6982

**DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

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In the Matter of the Application of

MARCO DAVID HERNANDEZ,

Respondent.

DRE No. H-05819 SD

**STIPULATION AND WAIVER**

I, MARCO DAVID HERNANDEZ, 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 on Department of Real Estate, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner ("Commissioner") may hold a hearing on the Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her 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 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

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 correct  
5 and request that the Commissioner in her discretion issue a restricted real estate salesperson license  
6 to me under the authority of Section 10156.5 of the Business and Professions Code ("the Code").

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

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

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

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

- 1       2.   Respondent shall not be eligible to petition for the issuance of an unrestricted real estate  
2       license nor the removal of any of the conditions, limitations, or restrictions attaching to the  
3       restricted license until two years have elapsed from the date of issuance of the restricted  
4       license to Respondent. Respondent shall not be eligible to apply for any unrestricted  
5       licenses until all restrictions attaching to the license have been removed.
- 6       3.   With the application for license, or with the application for transfer to a new employing  
7       broker, Respondent shall submit a statement signed by the prospective employing broker  
8       on a form approved by the Department wherein the employing broker shall certify as  
9       follows:
- 10      a.   That the broker has read the Statement of Issues which is the basis for the issuance of  
11      the restricted license; and
- 12      b.   That the broker will carefully review all transaction documents prepared by the  
13      restricted licensee and otherwise exercise close supervision over the licensee's  
14      performance of acts for which a license is required.
- 15      4.   Respondent shall notify the Commissioner in writing within 72 hours of any arrest by  
16      sending a certified letter to the Commissioner at the Department of Real Estate, Post Office  
17      Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of  
18      Respondent's arrest, the crime for which Respondent was arrested and the name and address  
19      of the arresting law enforcement agency. Respondent's failure to timely file written notice  
20      shall constitute an independent violation of the terms of the restricted license and shall be  
21      grounds for the suspension or revocation of that license.

22  
23   08/20/2024

24   Dated

*Laurence D. Haveson*

Digitally signed by Laurence D.  
Haveson  
Date: 2024.08.20 10:05:15 -07'00'

Laurence D. Haveson , Counsel  
Department of Real Estate

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

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by causing to be e-mailed the Stipulation and Waiver with his digital signature to Laurence Haveson, Real Estate Counsel at Laurence.Haveson@dre.ca.gov, by emailing a scanned copy of the signature page, as actually signed by Respondent, to Laurence Haveson, or by mailing the original signed Stipulation and Waiver to: Laurence Haveson, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

Respondent agrees, acknowledges and understands that by electronically sending the Department his digital signature, or a scan of Respondent's actual signature, as it appears on the Stipulation and Waiver, that receipt of the same by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

08/20/2024

Dated

MARCO DAVID HERNANDEZ, Respondent

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

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

5 This Order is effective immediately.

6 IT IS SO ORDERED 9/17/2021.

7 CHIKA SUNQUIST  
8 REAL ESTATE COMMISSIONER

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11 By: Marcus L. McCarther  
12 Chief Deputy Real Estate Commissioner  
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