

1 Department of Real Estate  
2 2201 Broadway  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789

**FILED**

**APR 06 2023**

DEPARTMENT OF REAL ESTATE  
By J. Taggart

6  
7  
8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12  
13 In the Matter of the Application of )  
14 LEANDRO PONCE, ) NO. H- 7152 SAC  
15 Respondent. ) STIPULATION AND WAIVER  
16 )

17 It is hereby stipulated by and between LEANDRO PONCE, (Respondent herein),  
18 and Respondent's attorney, ROBERT HAHN, and the Complainant, acting by and through  
19 RICHARD K. UNO, counsel for the Department of Real Estate, as follows for the purpose of  
20 settling and disposing of the Statement of Issues filed on June 28, 2022 in this matter:

21 Respondent acknowledges that Respondent has received and read the Statement  
22 of Issues and the Statement to Respondent filed by the Department of Real Estate in connection  
23 with Respondent's application for a real estate salesperson license. Respondent understands that  
24 the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of  
25 requiring further proof of my honesty and truthfulness and to prove other allegations therein, or  
26 that he may in his discretion waive the hearing and grant me a restricted real estate salesperson  
27 license based upon this Stipulation and Waiver. Respondent also understands that by filing the

1 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to  
2 Respondent to make a satisfactory showing that Respondent meets all the requirements for the  
3 issuance of a real estate salesperson license. Respondent further understands that by entering  
4 into this Stipulation and Waiver, Respondent will be stipulating that the Real Estate  
5 Commissioner has found that I have failed to make such a showing, thereby justifying the denial  
6 of the issuance to me of an unrestricted real estate salesperson license.

7 Respondent hereby admits that the allegations of the Statement of Issues filed  
8 against Respondent are true and correct and request that the Real Estate Commissioner in his  
9 discretion issue a restricted real estate salesperson license to Respondent under the authority of  
10 Section 10156.5 of the Business and Professions Code.

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

17 Respondent further understand that the following conditions, limitations and  
18 restrictions will attach to a restricted real estate salesperson license issued by the Department of  
19 Real Estate pursuant hereto:

20 1. The license shall not confer any property right in the privileges to be  
21 exercised including the right of renewal, and the Real Estate Commissioner may by appropriate  
22 order suspend the right to exercise any privileges granted under this restricted license in the event  
23 of:

24 (a) The conviction of Respondent (including a plea of nolo contendere) to a crime  
25 which bears a substantial relationship to Respondent's fitness or capacity as a real  
26 estate licensee; or  
27

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

4 2. Respondent shall not be eligible to apply for the issuance of an unrestricted  
5 real estate license nor the removal of any of the conditions, limitations or restrictions attaching to  
6 the restricted license until three (3) years have elapsed from the date of issuance of the restricted  
7 license to Respondent.

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

12 (a) That broker has read the Statement of Issues which is the basis for the  
13 issuance of the restricted license; and

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

17 4. Respondent shall notify the Commissioner in writing within 72 hours of any  
18 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post  
19 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of  
20 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
21 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
22 constitute an independent violation of the terms of the restricted license and shall be grounds for  
23 the suspension or revocation of that license.

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I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving 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 of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me 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 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 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

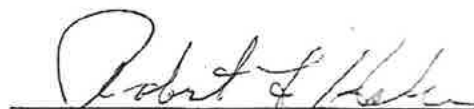
01-28-2023  
Dated

  
LEANDRO PONCE,  
Respondent

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I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

1-30-2023  
Dated

  
ROBERT HAHN, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and

1 Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further  
2 proof as to the honesty and truthfulness of Respondent need not be called and that it will not be  
3 inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

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

8 This Order is effective immediately.

9 DATED: 4.4.23

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11 DOUGLAS R. McCAULEY  
12 Real Estate Commissioner  
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