

ORIGINAL

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
DEC 19 2002

DEPARTMENT OF REAL ESTATE

By Shelly Ely

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

11 \* \* \*

12 In the Matter of the Application of )	
13 GABRIEL ANDREW RADDAVERO, )	NO. H-8158 SF
14 Respondent. )	<u>STIPULATION</u>
	<u>AND WAIVER</u>

15  
16 It is hereby stipulated by and between GABRIEL ANDREW  
17 RADDAVERO (hereinafter "Respondent") and his attorney, Stephanie  
18 M. Rickard, and the Complainant, acting by and through Michael B.  
19 Rich, Counsel for the Department of Real Estate, as follows for  
20 the purpose of settling and disposing of the Statement of Issues  
21 filed on August 9, 2002 in this matter:

22 A. Respondent acknowledges that he has received and  
23 read the Statement of Issues and the Statement to Respondent  
24 filed by the Department of Real Estate in connection with his  
25 application for a real estate salesperson license. Respondent  
26 understands that the Real Estate Commissioner may hold a hearing  
27 on this Statement of Issues for the purpose of requiring further

1 proof of Respondent's honesty and truthfulness and to prove other  
2 allegations therein, or that she may in her discretion waive the  
3 hearing and grant Respondent a restricted real estate salesperson  
4 license based upon this Stipulation and Waiver. Respondent also  
5 understands that by filing the Statement of Issues in this matter  
6 the Real Estate Commissioner is shifting the burden to Respondent  
7 to make a satisfactory showing that Respondent meets all the  
8 requirements for issuance of a real estate salesperson license.  
9 Respondent further understands that by entering into this  
10 stipulation and waiver, Respondent will be stipulating that the  
11 Real Estate Commissioner has found that Respondent has failed  
12 to make such a showing, thereby justifying the denial of the  
13 issuance to Respondent of an unrestricted real estate salesperson  
14 license.

15           B. Respondent hereby admits that the allegations of  
16 the Statement of Issues filed against Respondent are true and  
17 correct and requests that the Real Estate Commissioner in her  
18 discretion issue a restricted real estate salesperson license to  
19 Respondent under the authority of Section 10156.5 of the Business  
20 and Professions Code.

21           C. Respondent is aware that by signing this  
22 Stipulation and Waiver, Respondent is waiving Respondent's right  
23 to a hearing and the opportunity to present evidence at the  
24 hearing to establish Respondent's rehabilitation in order to  
25 obtain an unrestricted real estate salesperson license if this  
26 Stipulation and Waiver is accepted by the Real Estate  
27 Commissioner. However, Respondent is not waiving Respondent's

1 right to a hearing and to further proceedings to obtain a  
2 restricted or unrestricted license if this Stipulation and Waiver  
3 is not accepted by the Commissioner.

4 D. Respondent further understands that the following  
5 conditions, limitations, and restrictions will attach to a  
6 restricted license issued by the Department of Real Estate  
7 pursuant hereto:

8 1. The license shall not confer any property  
9 right in the privileges to be exercised  
10 including the right of renewal, and the Real  
11 Estate Commissioner may by appropriate order  
12 suspend the right to exercise any privileges  
13 granted under this restricted license in the  
14 event of:

- 15 a. The conviction of Respondent (including a  
16 plea of nolo contendere) to a crime which  
17 bears a substantial relationship to  
18 Respondent's fitness or capacity as a real  
19 estate licensee;
- 20 b. The receipt of evidence that Respondent has  
21 violated provisions of the California Real  
22 Estate Law, the Subdivided Lands Law,  
23 Regulations of the Real Estate  
24 Commissioner, or conditions attaching to  
25 this restricted license; or,

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c. Failure to comply with the terms and conditions herein of the restricted license.

2. Respondent shall not be eligible to apply 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 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, Respondent 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:

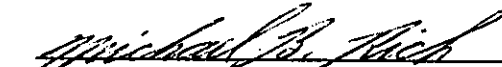
a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

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.

1                   4. Respondent shall attend meetings of Alcoholics  
2                   Anonymous once each week and shall provide  
3                   written quarterly certifications of such  
4                   attendance to the District Manager, Enforcement  
5                   Section, Department of Real Estate at 1515 Clay  
6                   Street, Oakland, California, 94612-1402.

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9                   12/3/02

DATED



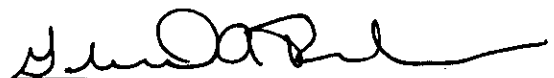
MICHAEL B. RICH, COUNSEL  
DEPARTMENT OF REAL ESTATE

10  
11                   \* \* \*

12                   I have read the Stipulation and Waiver, have  
13                   discussed it with my counsel, and its terms are understood by  
14                   me and are agreeable and acceptable to me. I understand that I  
15                   am waiving rights given to me by the California Administrative  
16                   Procedure Act (including but not limited to Sections 11506,  
17                   11508, 11509, and 11513 of the Government Code), and I  
18                   willingly, intelligently, and voluntarily waive those rights,  
19                   including the right of a hearing on the Statement of Issues at  
20                   which I would have the right to cross-examine witnesses against  
21                   me and to present evidence in defense and mitigation of the  
22                   charges.

23  
24                   12-02-02

DATED



GABRIEL ANDREW RADDAVERO  
Respondent

1 I have reviewed the Stipulation and Agreement as to  
2 form and content and have advised my client accordingly.

3  
4 12-2-02

Stephanie M. Rickard

5 DATED

STEPHANIE M. RICKARD  
Attorney for Respondent

6  
7 \* \* \*

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

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

21 This Order is effective immediately.

22 IT IS SO ORDERED December 11, 2002.  
23

24 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

25  
26 Paula Reddish Zinnemann  
27

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000

6 Telephone: (916) 227-0789

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AUG 09 2002

DEPARTMENT OF REAL ESTATE

By: Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 GABRIEL ANDREW RADDAVERO, )  
13 Respondent. )

No. H-8158 SF

STATEMENT OF ISSUES

14  
15 The Complainant, LES R. BETTENCOURT, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against GABRIEL ANDREW RADDAVERO, (hereinafter  
18 "Respondent"), is 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 salesperson  
22 license on or about February 1, 2002.

23 II

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

27 ///

1 III

2 On or about January 13, 1997, in the Superior Court,  
3 County of San Mateo, Respondent was convicted of violating of  
4 Section 23152(b) of the California Vehicle Code (Driving while  
5 having a blood alcohol level of .08%).

6 IV

7 On or about April 28, 1998, in the Municipal Court,  
8 County of Stanislaus, Respondent was convicted of a violation of  
9 Section 23152(a) of the California Vehicle Code (Driving while  
10 under the influence of any alcoholic beverage and drug), a crime  
11 involving moral turpitude which bears a substantial relationship  
12 under Section 2910, Title 10, California Code of Regulations, to  
13 the qualifications, functions, or duties of a real estate  
14 licensee.

15 V

16 In responses to Questions 25 and 27 of the license  
17 application, requiring Respondent to reveal the court conviction,  
18 arresting agency, date of conviction, type of conviction, code  
19 name and section number violated, disposition and case number,  
20 for each conviction of any violation of law (other than for  
21 convictions of drunk driving, reckless driving, and minor traffic  
22 citations not constituting a misdemeanor or felony offense),  
23 Respondent concealed and failed to reveal the conviction  
24 described in Paragraph IV above.

25 VI

26 Respondent's failure to reveal in the application the  
27 conviction described in Paragraph IV above, constitutes an

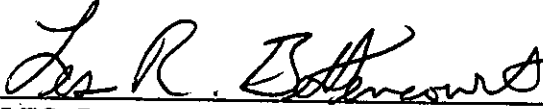


1 attempt to procure a real estate license by fraud,  
2 misrepresentation, or deceit, or by making a material  
3 misstatement of fact in the application, which failure is cause  
4 for denial of Respondent's license application under Sections  
5 480(c) and 10177(a) of the California Business and Professions  
6 Code.

7 VII

8 The crimes of which Respondent was convicted, as  
9 alleged in Paragraphs III and IV, individually and/or  
10 collectively, constitute cause for denial of Respondent's  
11 application for a real estate license under Sections 480(a) and  
12 10177(b) of the California Business and Professions Code.

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

19  
20   
21 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

22 Dated at Oakland, California,  
23 this 30th day of July, 2002.