

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
MAY 29 2003

DEPARTMENT OF REAL ESTATE

By Shelly El

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	NO. H-8281 SF
12 ARMANDO SALDANA,	)
13 Respondent.	)
	)
	)
	)

STIPULATION AND
WAIVER

15 It is hereby stipulated by and between ARMANDO SALDANA
16 (hereinafter "Respondent") and his attorney, THOMAS C. LASKEN,
17 and the Complainant, acting by and through David B. Seals,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Statement of Issues
20 filed on January 14, 2003 in this matter:

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

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

14 B. Respondent hereby admits that the allegations of the
15 Statement of Issues filed against Respondent are true and correct
16 and requests that the Real Estate Commissioner in her discretion
17 issue a restricted real estate broker license to Respondent under
18 the authority of Section 10156.5 of the Business and Professions
19 Code. Respondent understands that any such restricted license
20 will be issued subject to and be limited by Section 10153.4 of
21 the Business and Professions Code.

22 C. Respondent is aware that by signing this Stipulation
23 and Waiver, Respondent is waiving Respondent's right to a hearing
24 and the opportunity to present evidence at the hearing to
25 establish Respondent's rehabilitation in order to obtain an
26 unrestricted real estate broker license if this Stipulation and
27 Waiver is accepted by the Real Estate Commissioner. However,

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

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

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

14 a. The conviction of Respondent (including a plea of nolo
15 contendere) to a crime which bears a substantial
16 relationship to Respondent's fitness or capacity as a
17 real estate licensee; or

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

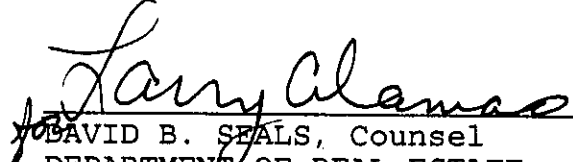
23 2. Respondent shall not be eligible to apply for the issuance
24 of an unrestricted real estate license nor the removal of
25 any of the conditions, limitations or restrictions
26 attaching to the restricted license until two years have

27 ///

1 elapsed from the date of issuance of the restricted license to
2 Respondent.

3
4
5 DATED

4/30/03

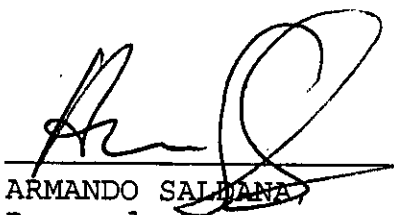
for 
DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

7 * * *

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

19
20 DATED

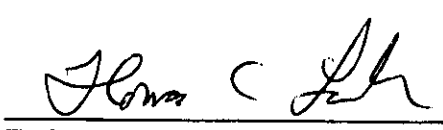
4-29-03


ARMANDO SALDANA,
Respondent

22 *I have reviewed the Stipulation and Agreement as to form and content*
23 *and have advised my client accordingly.*

24
25 DATED

April 24, 2003


THOMAS C. LASKEN,
Attorney for Respondent

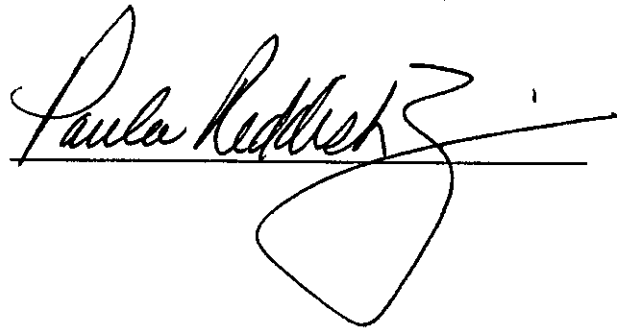
1 I have read the Statement of Issues filed herein and
2 the foregoing Stipulation and Waiver signed by Respondent. I am
3 satisfied that the hearing for the purpose of requiring further
4 proof as to the honesty and truthfulness of Respondent need not
5 be called and that it will not be inimical to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

7 Therefore, IT IS HEREBY ORDERED that a restricted real
8 estate broker license be issued to Respondent if Respondent has
9 otherwise fulfilled all of the statutory requirements for
10 licensure. The restricted license shall be limited, conditioned,
11 and restricted as specified in the foregoing Stipulation and
12 Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED May 8, 2003.

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

17 
18
19
20
21
22
23
24
25
26
27

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED

FEB - 4 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

ARMANDO SALDANA,

} Case No. H-8281 SF

} OAH No.

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **WEDNESDAY, APRIL 16, 2003**, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: FEBRUARY 4, 2003

DEPARTMENT OF REAL ESTATE

By

David B. Seals
DAVID B. SEALS, Counsel

(12)

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

JAN 14 2003

DEPARTMENT OF REAL ESTATE

By Laurie J. Peters

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

12 ARMANDO SALDANA,)

13 Respondent.)

No. H-8281 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 ARMANDO SALDANA aka Armando Sepulveda Saldana and
18 Armando Guebara Saldana (hereinafter "Respondent") alleges as
19 follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate broker
23 license on or about July 31, 2002.

24 II

25 Complainant, Les R. Bettencourt, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

On or about September 30, 1987, in the Municipal Court of California, Santa Clara County Judicial District, Respondent was convicted of a violations of Section 31 of the California Vehicle Code (False Information to Peace Officer) and Section 12500 of the California Vehicle Code (Driving Without a License), crimes involving moral turpitude and/or 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.

IV

On or about July 15, 1991, in the Municipal Court of California, Santa Clara County Judicial District, Respondent was convicted of violation of Section 240/241 of the California Penal Code (Assault on a Custodial Officer) and violation of Section 594(b)(4) of the California Penal Code (Vandalism) (two counts), crimes involving moral turpitude and/or 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.

V

On or about August 22, 1997, in the Municipal Court of California, Santa Clara County Judicial District, Respondent was convicted of violations of Section 2800.1 of the California Vehicle Code (Evading Peace Officer) and Section 148(a) of the California Penal Code (Obstruct/Resist Public Officer), crimes involving moral turpitude and/or which bear a substantial

1 relationship under Section 2910, Title 10, California Code of
2 Regulations, to the qualifications, functions or duties of a
3 real estate licensee.

4 VI

5 The crimes of which Respondent was convicted, as
6 alleged above, constitute cause for denial of Respondent's
7 application for a real estate license under Sections 480(a) and
8 10177(b) of the California Business and Professions Code.

9 WHEREFORE, the Complainant prays that the above-
10 entitled matter be set for hearing and, upon proof of the
11 charges contained herein, that the Commissioner refuse to
12 authorize the issuance of, and deny the issuance of, a real
13 estate broker license to Respondent, and for such other and
14 further relief as may be proper in the premises.

15 
16 LES R. BETTENCOURT
17 Deputy Real Estate Commissioner

18 Dated at Oakland, California,
19 this 17th day of December, 2002.