

FILED

OCT 26 2007

DEPARTMENT OF REAL ESTATE

By Juan Arreola

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. No. H-8491 SF
VICTOR MANUEL MONTANO,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On August 27, 2003, a Decision was rendered herein denying the Respondent's application for real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 14, 2003, and Respondent has operated as a restricted licensee since that time.

On April 23, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that Respondent meets the requirements of law for
3 the issuance to Respondent of an unrestricted real estate
4 salesperson license and that it would not be against the public
5 interest to issue said license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent subject to the
9 following understanding and conditions:

10 1. The license issued pursuant to this order shall be
11 deemed to be the first renewal of respondent's real estate
12 salesperson license for the purpose of applying the provisions of
13 Section 10153.4.

14 2. Within nine (9) months from the date of this order
15 respondent shall:

16 (a) Submit a completed application and pay the
17 appropriate fee for a real estate salesperson license, and

18 (b) Submit evidence of having taken and successfully
19 completed the courses specified in subdivisions (a)(1), (2), (3)
20 and (4) of Section 10170.5 of the Real Estate Law for renewal of
21 a real estate license.

22 3. Upon renewal of the license issued pursuant to this
23 order, respondent shall submit evidence of having taken and
24 successfully completed the continuing education requirements of
25 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
26 real estate license.

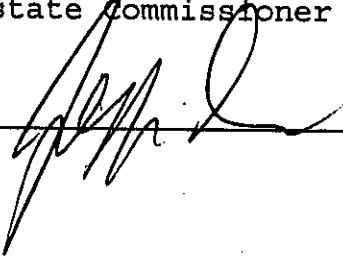
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This Order shall become effective immediately.

IT IS SO ORDERED 10/12, 2007.

JEFF DAVI
Real Estate Commissioner



FILED
SEP - 2 2003

DEPARTMENT OF REAL ESTATE

By Laurie E. Z...

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

VICTOR M. MONTANO,

Respondent

No. H- 8491 SF

**STIPULATION AND
WAIVER**

I, VICTOR M. MONTANO, 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 AUGUST 18, 2003, 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 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 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

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

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

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

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

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
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- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.
- 9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)
11 months of the issuance of the restricted license, to submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of two of the courses listed
13 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
14 advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the
15 Department satisfactory evidence of successful completion of the two required courses, the
16 restricted license shall be automatically suspended effective eighteen (18) months after the date
17 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted
18 license, I have submitted the required evidence of course completion and the Commissioner has
19 given written notice to me of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years
23 after the date of the issuance of the preceding restricted license.

24 DATED this 20th day of AUGUST, 2003.

25 
26 VICTOR M. MONTANO, Respondent


27 VICTOR M. MONTANO

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

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

9 This Order is effective immediately.

10 DATED this 27th day of August, 2003.

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14 Paula Reddish Zinnemann
Real Estate Commissioner
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1 DAVID A. PETERS, Counsel (SBN 99528)
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6 -or- (916) 227-0781 (Direct)

FILED
AUG 18 2003

DEPARTMENT OF REAL ESTATE

By Laurie P. Zin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 VICTOR M. MONTANO,)
13 Respondent.)

No. H-8491 SF

STATEMENT OF ISSUES

14
15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against VICTOR M. MONTANO (hereinafter "Respondent") alleges as
18 follows:

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application
22 to the Department of Real Estate of the State of California for
23 a real estate salesperson license on or about March 26, 2003
24 with the knowledge and understanding that any license issued as
25 a result of said application would be subject to the conditions
26 of Section 10153.4 of the Business and Professions Code.

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1 II

2 Complainant, Steven J. Ellis, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

5 III

6 On or about April 30, 1991, in the Contra Costa County
7 Municipal Court, Concord Judicial District, State of California,
8 Respondent was convicted of a violation of Section 242 of the
9 California Penal Code (Battery), a crime involving moral
10 turpitude which bears a substantial relationship under Section
11 2910, Title 10, California Code of Regulations, to the
12 qualifications, functions or duties of a real estate licensee.

13 IV

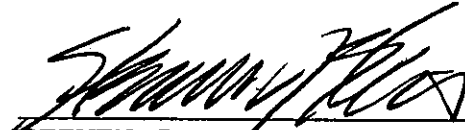
14 On or about November 5, 1991, in the Contra Costa
15 County Municipal Court, Concord Judicial District, State of
16 California, Respondent was convicted of a violation of Section
17 470 of the California Penal Code (Forgery), a crime involving
18 moral turpitude which bears a substantial relationship under
19 Section 2910, Title 10, California Code of Regulations, to the
20 qualifications, functions or duties of a real estate licensee.

21 V

22 The crimes of which Respondent was convicted, as
23 alleged in Paragraph III and IV above, constitutes cause for
24 denial of Respondent's application for a real estate license
25 under Sections 480(a) and 10177(b) of the California Business
26 and Professions Code.

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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of a real
5 estate salesperson license to Respondent, and for such other and
6 further relief as may be proper in the premises.

7
8 
9 STEVEN J. ELLIS
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 12th day of August, 2003.