

FILED

OCT 26 2007

DEPARTMENT OF REAL ESTATE

By Jean Arnaud

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. No. H-8552 SF
ROSA SANCHEZ,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On December 19, 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 April 21, 2004, and Respondent has operated as a restricted licensee since that time.

On September 27, 2006, 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.

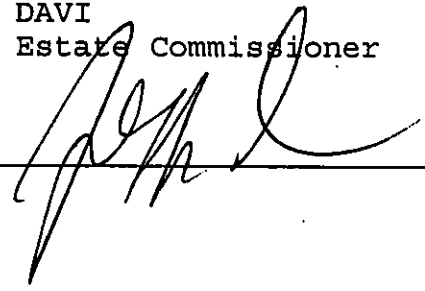
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This Order shall become effective immediately.

IT IS SO ORDERED 10-12, 2007.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line.

FILED
DEC 19 2003

DEPARTMENT OF REAL ESTATE

By Ruthleen Contreras

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

ROSA SANCHEZ,

Respondent

) NO. H-8552 SF

) **STIPULATION AND WAIVER**

I, ROSA SANCHEZ, 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 October 15, 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 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

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

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

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

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

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

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

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

1 3. With the application for license, or with the application for transfer to a new
2 employing broker, I shall submit a statement signed by the prospective employing
3 broker on a form approved by the Department of Real Estate wherein the employing
4 broker shall certify as follows:

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

7 b. That broker will carefully review all transaction documents prepared
8 by the restricted licensee and otherwise exercise close supervision
9 over the licensee's performance of acts for which a license is
10 required.

11
12 4. My restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: I am required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence
15 satisfactory to the Commissioner of successful completion, at an accredited
16 institution, of two of the courses listed in Section 10153.2, other than real estate
17 principles, advanced legal aspects of real estate, advanced real estate finance, or
18 advanced real estate appraisal. If I fail to timely present to the Department
19 satisfactory evidence of successful completion of the two required courses, the
20 restricted license shall be automatically suspended effective eighteen (18) months
21 after the date of its issuance. Said suspension shall not be lifted unless, prior to the
22 expiration of the restricted license, I have submitted the required evidence of course
23 completion and the Commissioner has given written notice to me of the lifting of the
24 suspension.

25 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified
26 license under Section 10153.4, I shall not be entitled to renew the restricted license,
27 and shall not be entitled to the issuance of another license which is subject to Section

1 10153.4 until four years after the date of the issuance of the preceding restricted
2 license.

3
4 DATED this 21 day of November, 2003.

5
6 
7 ROSA SANCHEZ, Respondent

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

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

17 This Order is effective immediately.

18
19 DATED this 16th day of December, 2003.

20
21 Real Estate Commissioner

22
23 
24

25
26 BY: John R. Liberator
27 Chief Deputy Commissioner

1 LARRY A. ALAMAO, Counsel
2 State Bar No. 47379
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6 Telephone: (916) 227-0789

FILED
OCT 15 2003

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 * * *

12 In the Matter of the Application of)
13 ROSA SANCHEZ,) NO. H-8552 SF
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, LES R. BETTENCOURT, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against ROSA SANCHEZ (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about March 17, 2003, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to the conditions of Section 10153.4
26 of the Business and Professions Code.

27 ///

1 II

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


5 III

6 On or about May 29, 2002, in the Superior Court,
7 County of Santa Clara, Respondent was convicted of a violation of
8 Section 20 of the California Vehicle Code (False Information to
9 Department of Motor Vehicles), a crime involving moral turpitude
10 which bears a substantial relationship under Section 2910, Title
11 10, California Code of Regulations, to the qualifications,
12 functions, or duties of a real estate licensee.

13 IV

14 The crime of which Respondent was convicted, as alleged
15 in Paragraph III, constitutes cause for denial of Respondent's
16 application for a real estate license under Sections 480(a) and
17 10177(b) of the California Business and Professions Code.

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

24 
25 LES R. BETTENCOURT
26 Deputy Real Estate Commissioner

27 Dated at Oakland, California,
this 14th day of October, 2003.