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FILED

AUG 26 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-8560 SF  
MARILOU SALVADOR VILLARICO )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On February 9, 2004, a Decision was rendered herein denying Respondent's application for a 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 March 20, 2004, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On April 16, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

1 I have considered Respondent's Petition and the  
2 evidence submitted in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate  
6 salesperson license and that it would not be against the public  
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 Petition for removal of restrictions is granted and that a real  
10 estate salesperson license be issued to Respondent if, within  
11 nine (9) months from the date of this order, Respondent shall:

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

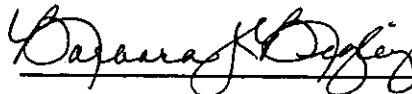
14 (b) Submit evidence of having taken and successfully  
15 completed the continuing education requirements of Article 2.5 of  
16 Chapter 3 of the Real Estate Law for renewal of a real estate  
17 license.

18 This Order shall become effective immediately.

19 IT IS SO ORDERED

8/20/08

20  
21 JEFF DAVI  
22 Real Estate Commissioner

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24

25 BY: Barbara J. Bigby  
26 Chief Deputy Commissioner  
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1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED  
FEB 23 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 DEPARTMENT OF REAL ESTATE

9 State of California

10 *In the Matter of the Application of*

11 MARILOU SALVADOR VILLARICO,  
12 Respondent

)  
) No. H-8560 SF

) STIPULATION AND WAIVER  
)  
)  
)

14  
15 I, MARILOU SALVADOR VILLARICO, Respondent herein, do hereby affirm that I have  
16 applied to the Department of Real Estate for a real estate salesperson license and that to the best of my  
17 knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the  
18 payment of the fee therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to  
20 Respondent filed by the Department of Real Estate on October 31, 2003, in connection with my application  
21 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on  
22 this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to  
23 prove other allegations therein, or that he/she may in his/her discretion waive the hearing and grant me a  
24 restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by  
25 filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to  
26 make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license.  
27 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  
4 and correct and request that the Real Estate Commissioner in his/her discretion issue a restricted real  
5 estate salesperson license to me under the authority of Section 10156.5 of the Business and Professions  
6 Code.

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

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

- 14 1. The license shall not confer any property right in the privileges to be exercised  
15 including the right of renewal, and the Real Estate Commissioner may by appropriate  
16 order suspend the right to exercise any privileges granted under this restricted license  
17 in the event of:
  - 18 a. The conviction of Respondent (including a plea of nolo contendere) to a crime  
19 which bears a substantial relationship to Respondent's fitness or capacity as a  
20 real estate licensee; or
  - 21 b. The receipt of evidence that Respondent has violated provisions of the California  
22 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
23 Commissioner or conditions attaching to this restricted license.
- 24 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor  
25 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:

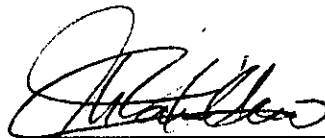
5                   a. That broker has read the Statement of Issues which is the basis for the issuance  
6                   of the restricted license; and

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

10                   Respondent can signify acceptance and approval of the terms and conditions of this  
11                   Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the  
12                   Department at fax number (916) 227-9458. Respondent agrees, acknowledges, and understands that by  
13                   electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation  
14                   and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the  
15                   Department had received the original signed Stipulation and Waiver.

16  
17  
18                   Jan. 27, 2004

19                   Dated

20  
21  
22                   

23                   MARILOU SALVADOR VILLARICO, Respondent

24                   \* \* \*

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

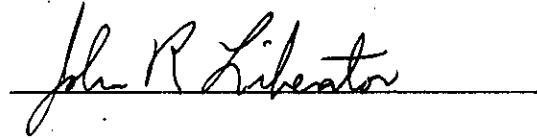
29                   Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be  
30                   issued to Respondent MARILOU SALVADOR VILLARICO,, if Respondent has otherwise fulfilled all of

1 the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted  
2 as specified in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED February 9, 2004.

5 JOHN R. LIBERATOR  
6 Chief Deputy Commissioner

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

FILED  
JAN - 6 2004  
DEPARTMENT OF REAL ESTATE

*Kathleen Contreras*

*In the Matter of the Application of*

MARILOU SALVADOR VILLARICO,

Respondent

Case No. H-8560 SF

OAH No.

**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

**OFFICE OF ADMINISTRATIVE HEARING  
THE ELIHU HARRIS STATE BUILDING  
1515 CLAY STREET, SUITE 206  
OAKLAND, CALIFORNIA 94612**

on **FEBRUARY 4, 2004**, at the hour of **1:30 PM**, 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:* JANUARY 6, 2004

DEPARTMENT OF REAL ESTATE

By

*Larry A. Alamo*  
LARRY A. ALAMO, Counsel

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

FILED  
OCT 31 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	
MARILOU SALVADOR VILLARICO, )	NO. H-8560 SF
Respondent. )	<u>STATEMENT OF ISSUES</u>

The Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MARILOU SALVADOR VILLARICO (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about April 21, 2003.

II

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



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III

On or about April 25, 2001, in the Superior Court, County of San Benito, Respondent was convicted of a violation of Section 484(a)/488 of the California Penal Code (Theft), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

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

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

  
LES R. BETTENCOURT  
Deputy Real Estate Commissioner

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