

1 DEPARTMENT OF REAL ESTATE  
2 P.O. Box 187007  
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FILED  
OCT - 7 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 MARIO ANTONIO MELGOZA,

12 Respondent

) NO. H-8955 SF  
)  
) STIPULATION AND WAIVER  
)

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

17 I acknowledge that I have received and read the Statement of Issues and the Statement to  
18 Respondent filed by the Department of Real Estate on September 30, 2004, in connection with my  
19 application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a  
20 hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness  
21 and to prove other allegations therein, or that he/she may in his/her discretion waive the hearing and grant  
22 me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that  
23 by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to  
24 make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license.  
25 I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate  
26 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
27 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 his/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) to a crime  
18 which bears a substantial relationship to Respondent's fitness or capacity as a  
19 real estate licensee; or

20 b. The receipt of evidence that Respondent has violated provisions of the California  
21 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
22 Commissioner, or 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  
24 the removal of any of the conditions, limitations or restrictions attaching to the  
25 restricted license until two years have elapsed from the date of issuance of the  
26 restricted license to Respondent.

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

23          5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified  
24          license under Section 10153.4, Respondent shall not be entitled to renew the restricted  
25          license, and shall not be entitled to the issuance of another license which is subject to  
26          Section 10153.4 until four years after the date of the issuance of the preceding  
27          restricted license.

1 Respondent can signify acceptance and approval of the terms and conditions of this  
2 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the  
3 Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by  
4 electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation  
5 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the  
6 Department had received the original signed Stipulation and Waiver.

7  
8 10/2/04

9 Dated

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11   
12 MARIO ANTONIO MELGOZA Respondent

13 \* \* \*


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

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

22 This Order is effective immediately.

23  
24 IT IS SO ORDERED October 5, 2004.

25 JOHN R. LIBERATOR  
26 Acting Real Estate Commissioner

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1 LARRY A. ALAMAO, Counsel  
2 State Bar No. 47379  
3 Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789

FILED  
SEP 30 2004

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 MARIO ANTONIO MELGOZA, ) NO. H-8955 SF  
14 Respondent. ) STATEMENT OF ISSUES  
15 )

16 The Complainant, STEVEN J. ELLIS, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against MARIO ANTONIO MELGOZA (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 August 16, 2004, 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.

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II

Complainant, STEVEN J. ELLIS, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about April 8, 1999, in the Superior Court, County of Contra Costa, Respondent was convicted of a violation of Section 537(a)(1) of the California Penal Code (Defrauding an Innkeeper), 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

On or about May 17, 1999, in the Superior Court, County of Contra Costa, Respondent was convicted of a violation of Section 484/488 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.

V

The crimes of which Respondent was convicted, as alleged above, constitute 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.

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

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11 STEVEN J. ELLIS  
12 Deputy Real Estate Commissioner  
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14 Dated at Sacramento, California,  
15 this 29<sup>th</sup> day of September, 2004  
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