

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
FEB - 1 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9	<i>In the Matter of the Application of</i>)	
10	MARTHA CECILIA GAETA,)	NO. H-9086 SF
11	Respondent.)	STIPULATION AND WAIVER
12	_____)	

13 I, MARTHA CECILIA GAETA, respondent herein, do hereby affirm that I have applied to
14 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 January 21, 2005, in connection with my application
19 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on
20 this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to
21 prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted
22 real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
23 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
24 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
25 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 requests that the Real Estate Commissioner in his 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 real
19 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 her 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 01/24/2005

Dated

Martha C Gaeta

MARTHA CECILIA GAETA, Respondent

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10 * * *

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

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

19 This Order is effective immediately.

20 IT IS SO ORDERED

February 1, 2005

21 JEFF DAVI
22 Real Estate Commissioner

23 BY :

Steven J. Ellis
24 STEVEN J. ELLIS
25
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27

1 LARRY A. ALAMAO, Counsel
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FILED
JAN 21 2005

DEPARTMENT OF REAL ESTATE

By *K. Contreras*

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

11 * * *

12 In the Matter of the Application of)
13 MARTHA CECILIA GAETA,) NO. H-9086 SF
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, STEVEN ELLIS, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against MARTHA CECILIA GAETA (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 November 4, 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 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 November 16, 2000 in the Superior Court, County of Santa Clara, Respondent was convicted of a violation of Section 242/243(a) of the California Penal Code (Battery), 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 above, 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.


STEVEN J. ELLIS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 19th day of January, 2005.