

Telephone: (916) 227-0789

JUN 16 2005

DEPARTMENT OF REAL ESTATE

By Juan A. Lopez

In the Matter of the Application of

Respondent

STIPULATION AND WAIVER

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 June 8, 2005, 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 he may in his 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 his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 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 a
12 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 including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

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

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13 6/13/05

14 Dated

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27 Roseanne Serina

ROSEANNE M. SERNA, Respondent

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

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

This Order is effective immediately.

IT IS SO ORDERED

June 16, 2005


Jeff Davi
Real Estate Commissioner

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0781

FILED
JUN 08 2005

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of)
12 ROSEANNE M. SERNA,)
13 Respondent.)

No. H- 9268 SF

STATEMENT OF ISSUES

15 The Complainant, STEVE ELLIS, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against ROSEANNE M. SERNA (hereinafter "Respondent"), is informed
18 and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about January 24, 2005, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to the conditions of Section 10153.4
25 of the Business and Professions Code.

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1 II

2 Complainant, STEVE ELLIS, 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 March 28, 2000, in the Superior Court,
7 County of Sonoma, Respondent was convicted of a violation of
8 Section 23152(B) of the California Vehicle Code (Driving with a
9 0.08 or Higher Blood Alcohol), 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 On or about December 10, 2002, in the Superior Court,
15 County of Sonoma, Respondent was convicted of a violation of
16 Section 23152(B) of the California Vehicle Code (Driving with a
17 0.08 or Higher Blood Alcohol), a crime involving moral turpitude
18 which bears a substantial relationship under Section 2910, Title
19 10, California Code of Regulations, to the qualifications,
20 functions, or duties of a real estate licensee.

21 PRIOR PROCEEDINGS

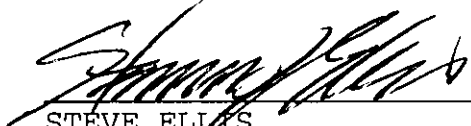
22 V

23 Effective July 17, 2003, in Case No. H-8346 SF before
24 the State of California Department of Real Estate, the
25 application of Respondent for a real estate salesperson license
26 was denied for violation of Sections 480(a), 480(c), 10177(a),
27 and 10177(b) of the Code.

IV

The crimes 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.


STEVE ELLIS

Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 2nd day of June, 2005.