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FEB 15 2011

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

FRANSICO JAVIER MORENO PEREZ,

No. H-9402 SF

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On November 16, 2005, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 17, 2005, and Respondent has operated as a restricted licensee since that time.

On February 11, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

///

1 an unrestricted real estate broker license and that it would not be against the public interest to
2 issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate broker license be issued to Respondent if Respondent
5 satisfies the following requirements:

6 1. Submits a completed application and pays the fee for a real estate broker
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED 1-25-2011

14 JEFF DAVIS
15 Real Estate 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

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NOV 23 2005

DEPARTMENT OF REAL ESTATE

[Signature]

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 FRANCISCO JAVIER MORENO PEREZ

12
13
14 Respondent

) No. H- 9402 SF
)
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

15 I, FRANCISCO JAVIER MORENO PEREZ, respondent herein, do hereby affirm that I have applied
16 to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on October 6, 2005, in connection with my application for a real
21 estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement
22 of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
27

1 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
3 unrestricted real estate broker license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
5 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
6 under the authority of Section 10156.5 of the Business and Professions Code.

7 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
8 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
9 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
10 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
11 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 a
13 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 and the Real
15 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
16 granted under this restricted license in the event of:

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

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

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

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
26 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
27 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4
5 10 / 31 / 2005

6 Dated

7
8 Francisco Javier Moreno Perez
9 FRANCISCO JAVIER MORENO PEREZ, Respondent

10 * * *

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

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

19 This Order is effective immediately.

20 IT IS SO ORDERED 7-1605

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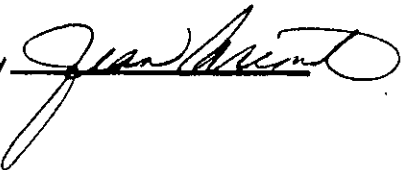
Jeff Davi
Real Estate Commissioner

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

OCT 06 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of)
12 FRANCISCO JAVIER MORENO PEREZ,)
13 Respondent.)

No. H- 9402 SF

STATEMENT OF ISSUES

15 The Complainant, E. J. HABERER II, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against FRANCISCO JAVIER MORENO PEREZ (hereinafter "Respondent"),
18 is informed and alleges as follows:

I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate broker
22 license on or about March 21, 2003.

II

24 Complainant, E. J. HABERER II, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

27 \\\

1 III

2 On or about January 6, 2003, in the Superior Court,
3 County of Santa Clara, Respondent was convicted of a violation of
4 Section 273.5(a) of the California Penal Code (Inflicting
5 Corporal Injury on a Spouse), a crime involving moral turpitude
6 which bears a substantial relationship under Section 2910, Title
7 10, California Code of Regulations, to the qualifications,
8 functions, or duties of a real estate licensee.

9 IV

10 The crime of which Respondent was convicted, as above,
11 constitutes cause for denial of Respondent's application for a
12 real estate license under Sections 480(a) and 10177(b) of the
13 California Business and Professions Code.

14 PRIOR PROCEEDING

15 V

16 Effective October 6, 2004, in Case No. H-8893 SF before
17 the State of California Department of Real Estate, the
18 application of Respondent for a conditional real estate
19 salesperson license was denied, with the right to a restricted
20 real estate salesperson license for violation of Sections 480(a),
21 and 10177(b) of the 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 broker
5 license to Respondent, and for such other and further relief as
6 may be proper under other provisions of law.

7
8 
9 E. J. HABERER II
Deputy Real Estate Commissioner

10 Dated at Oakland, California,

11 this 29th day of September, ²⁰⁰⁵~~2004~~. 2nd
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