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DEPARTMENT OF REAL ESTATE

By S. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
GABRIEL RIOS,
Respondent.

No. H-9462 SF

ORDER GRANTING UNRESTRICTED LICENSE

On February 28, 2006, 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 salesperson license. A restricted real estate salesperson license was issued to Respondent on March 14, 2006, and Respondent has operated as a restricted licensee since that time.

On March 19, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson 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 an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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

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

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

9 This Order shall become effective immediately.

10 IT IS SO ORDERED 11-21-08

11
12 JEFF DAVI
13 Real Estate Commissioner

14 
15

16 BY: Barbara J. Bigby
17 Chief Deputy Commissioner

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

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MAR - 3 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 GABRIEL RIOS,

12 Respondent

)
) No. H- 9462 SF
)
) OAH No.
)
) STIPULATION AND WAIVER
)

14 It is hereby stipulated by and between GABRIEL RIOS (hereinafter "Respondent") and
15 Respondent's attorney, Christopher Pirrone, and the Complainant, acting by and through Daniel E. Kehew,
16 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
17 Statement of Issues filed on November 30, 2005, in this matter:

18 Respondent affirms that Respondent has applied to the Department of Real Estate for a real
19 estate broker license and that to the best of Respondent's knowledge, Respondent has satisfied all of the
20 statutory requirements for the issuance of the license, including the payment of the fee therefor.

21 Respondent acknowledges that Respondent has received and read the Statement of Issues
22 and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
23 application for a real estate broker license. Respondent understands that the Real Estate Commissioner may
24 hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
25 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
26 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
27 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate

1 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
2 all the requirements for issuance of a real estate broker license. Respondent further understands that by
3 entering into this Stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
4 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
5 to Respondent of an unrestricted real estate broker license.

6 Respondent hereby admits that the allegations of the Statement of Issues filed against
7 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion issue a
8 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the
9 Business and Professions Code.

10 Respondent is aware that by signing this Stipulation and Waiver, and if this Stipulation and
11 Waiver is accepted by the Real Estate Commissioner, Respondent is waiving Respondent's right to a
12 hearing and the opportunity to present evidence at the hearing to establish Respondent's rehabilitation in
13 order to obtain an unrestricted real estate broker license. However, Respondent is not waiving Respondent's
14 right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
15 and Waiver is not accepted by the Commissioner.

16 Respondent further understands that the following conditions, limitations, and restrictions
17 will attach to a restricted salesperson license issued by the Department of Real Estate pursuant hereto:

18 1. The license shall not confer any property right in the privileges to be exercised
19 including the right of renewal, and the Real Estate Commissioner may by appropriate
20 order suspend the right to exercise any privileges granted under this restricted license
21 in the event of:

22 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
23 which bears a substantial relationship to Respondent's fitness or capacity as a
24 real estate licensee; or

25 b. The receipt of evidence that Respondent has violated provisions of the California
26 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
27 Commissioner, or conditions attaching to this restricted license.

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

Daniel E. Kehew
DANIEL E. KEHEW, Counsel, Department of Real Estate

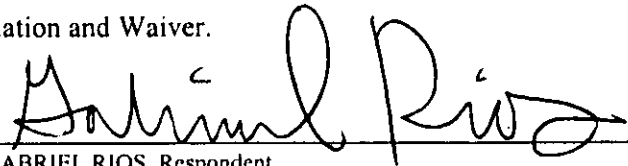
* * *

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

1 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the
2 Department had received the original signed Stipulation and Waiver.

3 02/08/06

4 Dated

5 
6 GABRIEL RIOS, Respondent

7 *I have reviewed the Stipulation and Waiver as to form and content and have advised my
8 client accordingly.*

9 2/10/06

10 Dated

11 
12 CHRISTOPHER PIRRONE, Attorney for 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, if Respondent has otherwise fulfilled all of the statutory requirements for licensure.
20 The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation
21 and Waiver.

22 This Order is effective immediately.

23 IT IS SO ORDERED

24 2/28/06

25 JEFF DAVI
26 Real Estate Commissioner

27 

1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0425 (Direct)

FILED
NOV 30 2005

DEPARTMENT OF REAL ESTATE

By H. Contreras

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

11 * * *

12 In the Matter of the Application of)
13 GABRIEL RIOS,) H-9462 SF
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, CHARLES W. KOENIG, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against GABRIEL RIOS (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate broker
27 license on or about June 29, 2005.

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III

On or about November 20, 2001, in the Superior Court of the State of California, City and County of San Francisco, Respondent was convicted of Embezzlement/Grand Theft in violation of Penal Code Sections 508 and 487(a), a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (hereinafter "Regulations"), to the qualifications, functions, or duties of a real estate licensee.

IV

Respondent's conviction, described in Paragraph III above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

WHEREFORE, Complainant prays that 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.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 29th day of November, 2005.