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FILED
MAY 25 2011

DEPARTMENT OF REAL ESTATE
By *R. May*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

FERNANDO S. SERRANO JR.,

Respondent.

No. H-9689 SF

ORDER GRANTING UNRESTRICTED LICENSE

On January 4, 2007, a Decision was rendered herein denying Respondent's application for a real estate salesperson 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 February 3, 2007, and Respondent has operated as a restricted licensee since that time.

On September 27, 2010, 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

///

1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to 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 salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

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

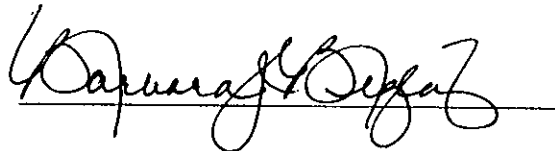
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period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

12 This Order shall become effective immediately.

13 IT IS SO ORDERED

5/20/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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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. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 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 the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
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1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

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

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

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

3 10/27/06

4 Dated

5 F. Serrano Jr.

6 FERNANDO SERRANO, JR., Respondent

7 * * *

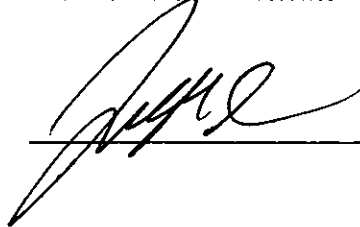
8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
9 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
10 truthfulness of respondent need not be called and that it will not be inimical to the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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED 1-4-07

18 Jeff Davi
19 Real Estate Commissioner

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1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5
6 Telephone: (916) 227-0789
7 -or- (916) 227-0788 (Direct)

FILED
OCT - 3 2006
DEPARTMENT OF REAL ESTATE
[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 FERNANDO SERRANO, JR.,) No. H-9689 SF
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against FERNANDO SERRANO, JR. (herein "Respondent"),
18 alleges as follows:

19 I

20 Complainant, Charles W. Koenig, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues in his official capacity.

23 II

24 On or about My 30, 2006, Respondent made application
25 to the Department of Real Estate of the State of California
26 (herein "the Department") for a real estate salesperson license
27 with the knowledge and understanding that, pursuant to the

1 provisions of Section 10153.3 of the Business and Professions
2 Code, any license issued as a result of said application would
3 be subject to the conditions of Section 10153.4 of the
4 California Business and Professions Code (herein "the Code").

5 III

6 In response to Question 25 of said application, to
7 wit: "Have you ever been convicted of any violation of law?
8 Convictions expunged under Penal Code Section 1203.4 must be
9 disclosed. However, you may omit minor traffic citations which
10 do not constitute a misdemeanor or felony offense", Respondent
11 concealed and failed to disclose the conviction described in
12 Paragraph V, below.

13 IV

14 On or about November 20, 2001, in the Superior Court
15 of the State of California, County of Santa Clara, Respondent
16 was convicted of the crime of Petty Theft in violation of Penal
17 Code Sections 484 and 488, a misdemeanor and a crime involving
18 moral turpitude which bears a substantial relationship under
19 Section 2910, Title 10, California Code of Regulations (herein
20 "the Regulations"), to the qualifications, functions or duties
21 of a real estate licensee.

22 V

23 On or about January 25, 2006, in the Superior Court of
24 the State of California, County of Alameda, Respondent was
25 convicted of the crime of Driving With Blood Alcohol Over .08%
26 in violation of Vehicle Code Section 23152(b), a misdemeanor and
27 a crime involving moral turpitude which bears a substantial

1 relationship under Section 2910 of the Regulations to the
2 qualifications, functions or duties of a real estate licensee.

3 VI

4 In failing to reveal the conviction described in
5 Paragraph V, above, Respondent procured or attempted to procure
6 a real estate license by fraud, misrepresentation, or deceit, or
7 by making a material misstatement of fact in said application,
8 which constitutes cause for denial of Respondent's application
9 for a real estate license under Sections 480(c) and 10177(a) of
10 the Code.

11 VII

12 Respondent's criminal convictions, as described in
13 Paragraphs IV and V, above, constitutes cause for denial of
14 Respondent's application for a real estate license under
15 Sections 480(a) and 10177(b) of the Code.

16 WHEREFORE, Complainant prays that the above-entitled
17 matter be set for hearing and, upon proof of the charges
18 contained herein, that the Commissioner refuse to authorize the
19 issuance of, and deny the issuance of a real estate salesperson
20 license to Respondent, and for such other and further relief as
21 may be proper in the premises.

22
23 
24 CHARLES W. KOENIG
Deputy Real Estate Commissioner

25 Dated at Sacramento, California,
26 this 24th day of September, 2006.

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