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BUREAU OF REAL ESTATE

By [signature]

Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8672

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	H-11848 SF
STEVEN CERVANTES,	**STIPULATION AND WAIVER** (Per Business and Professions Code § 10100.4)
Respondent.	

STEVEN CERVANTES ("Respondent") does hereby affirm that on June 24, 2014, he applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license and that to the best of his knowledge he satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefore.

FACTUAL BASIS

On or about March 29, 2011, in the Superior Court of the State of California, County of San Francisco, Case No. 11007316, Respondent was convicted of violating Section 245(A)1 of the California Penal Code (assault with a deadly weapon), a felony and a crime that bears a substantial relationship under Section 2910, Title 10, of the California Code of Regulations ("Regulations"), to the qualifications, functions, or duties of a real estate licensee. On or about August 11, 2014, the Superior Court of the State of California, County of San Francisco, expunged Respondent's conviction from his record.

On or about August 16, 2010, in the Superior Court of the State of California, County of San Diego, Case No. S236640DV, Respondent was convicted of violating Section 236 of the California Penal Code (false imprisonment), a misdemeanor and a crime that bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate licensee. On or about March 10, 2015, the Superior Court of the State of California, County of San Diego, expunged Respondent's conviction from his record.

GROUNDS FOR DENIAL

Respondent's criminal convictions constitute grounds under Sections 480(a) and 10177(b) of the Code for the denial of Respondent's application for an unrestricted real estate license.

TERMS AND CONDITIONS

Respondent understands that the Real Estate Commissioner ("Commissioner") may hold a hearing regarding the matters discussed above for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that the Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by entering into this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that Respondent has failed to make a showing that Respondent meets all the requirements for issuance of a real estate broker license thereby justifying the denial of the issuance to him of an unrestricted real estate salesperson license.

Respondent hereby admits the above Factual Basis is true and correct and requests that the Commissioner issue a restricted real estate salesperson license to Respondent under the authority of Sections 10100.4 and 10156.5 of the Code. Respondent understands that any such restricted license will be issued subject to the provisions of and limitations of Sections 10156.6 and 10156.7 of the Code.

Respondent is aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

Respondent understands that this Stipulation and Waiver, which was executed pursuant to the authority under Sections 10100.4 and 10156.5 of the Code, is considered discipline by the Bureau.

Respondent further understands that the following conditions, limitations and restrictions will attach to a restricted real estate license issued by the Bureau pursuant hereto:

1. The license shall not confer any property right in the privileges to be exercised and the Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

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

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

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

3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's

arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

Respondent has read the Stipulation and Waiver and its terms are understood by Respondent and agreeable and acceptable to Respondent. Respondent understands that Respondent is waiving rights given to Respondent by the California Administrative Procedure Act (including, but not limited to, California Government Code Sections 11504, 11506, 11508, 11509, and 11513), and willingly, intelligently, and voluntarily waives those rights, including, but not limited to, the right to a hearing on a Statement of Issues at which he would have the right to cross-examine witnesses against Respondent and to present evidence in defense and mitigation of the charges.

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 Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver.

3/2/16
Dated

STEVEN CERVANTES, Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

3/3/16
DATED

DAVID A. ABELLA, Attorney for Respondent

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I have read 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 STEVEN CERVANTES 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 APRIL 1, 2016.

Wayne S. Bell
Real Estate Commissioner

By: _____
JEFFREY MASON
Chief Deputy Commissioner