

**FILED**

MAY 13 2016

BUREAU OF REAL ESTATE

By       *R. Uno*      

Bureau of Real Estate  
P.O. Box 137007  
Sacramento, CA 95813-7007  
Telephone: (916)263-8670

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**BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA**

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In the Matter of the Application of	)	CalBRE No. H-11906 SF
	)	
	)	
MARK THOMAS BANDALAN,	)	<b>STIPULATION AND WAIVER</b>
	)	
	)	
Respondent	)	
	)	

It is hereby stipulated by and between, MARK THOMAS BANDALAN, (Respondent), his attorney, Edgardo Gonzalez, and the Complainant, acting by and through Richard Uno, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the Statement of Issues filed on November 18, 2015, in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Bureau in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner (Commissioner) may hold a hearing on the Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that the Commissioner may in his discretion waive the hearing and grant Respondent a restricted real estate license based upon this Stipulation and Waiver.

Respondent also understands that by filing the Statement of Issues in this matter the

1 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent  
2 meets all the requirements for issuance of a real estate salesperson license. Respondent further  
3 understands that by entering into this Stipulation and Waiver Respondent will be stipulating that the  
4 Commissioner has found that Respondent has failed to make such a showing, thereby justifying the  
5 denial of the issuance to Respondent of a real estate salesperson 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 Commissioner in his discretion issue a  
8 restricted real estate salesperson license to Respondent under the authority of Sections 10156.5 and  
9 10166.051 of the Business and Professions Code ("Code").

10 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving  
11 Respondent's right to a hearing and the opportunity to present evidence at the hearing if this  
12 Stipulation and Waiver is accepted by the Commissioner. However, Respondent is not waiving  
13 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted real  
14 estate salesperson if this Stipulation and Waiver is not accepted by the Commissioner.

15 Respondent agrees that by signing this Stipulation and Waiver, the conditions, limitations  
16 and restrictions imposed on Respondent's restricted real estate salesperson license, identified  
17 below, may be removed only by filing a Petition for Removal of Restrictions ("Petition") with the  
18 Commissioner, and that Respondent's Petition must follow the procedures set forth in Government  
19 Code Section 11522.

20 Respondent further understands that the restricted real estate salesperson license issued to  
21 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the  
22 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the  
23 Code:

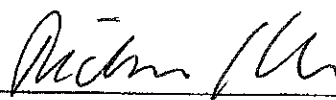
- 24 1. The restricted real estate salesperson license shall not confer any property rights in the  
25 privileges to be exercised including the right to renewal, and the Commissioner may by  
26 appropriate order suspend the right to exercise any privileges granted under the  
27 restricted real estate salesperson license in the event of:

- 1 a. Respondent's conviction (including a plea of nolo contendere) of a crime that  
2 bears a substantial relationship to Respondent's fitness or capacity to hold a real  
3 estate license; or
- 4 b. The receipt of evidence that Respondent has violated provisions of the California  
5 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
6 conditions attaching to the restricted real estate salesperson license.
- 7 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real  
8 estate salesperson license nor the removal of any of the conditions, limitations or  
9 restrictions attaching to the restricted real estate salesperson license until four (4) years  
10 have elapsed from the date of issuance of the restricted real estate salesperson license  
11 to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses  
12 until all restrictions attaching to the license have been removed.
- 13 3. With the application for a real estate salesperson license, or with the request to transfer  
14 to a new employing broker through Nationwide Multistate Licensing System and  
15 Registry ("NMLS"), Respondent shall submit a statement signed by the prospective  
16 employing broker on a form approved by the Bureau wherein the employing broker  
17 shall certify as follows:
- 18 a. That the broker has read the Statement of Issues, which is the basis for the  
19 issuance of the restricted real estate salesperson license; and
- 20 b. That the broker will carefully review all transaction documents prepared by the  
21 restricted real estate salesperson licensee and otherwise exercise close supervision  
22 over the restricted real estate salesperson's performance of acts for which an real  
23 estate salesperson license is required.
- 24 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by  
25 sending a certified letter to the Commissioner at the Department of Real Estate, Post  
26 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of  
27 Respondent's arrest, the crime for which Respondent was arrested and the name and

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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 real estate salesperson license and shall be grounds for the suspension or revocation of that restricted real estate salesperson license.

4/11/16



Dated

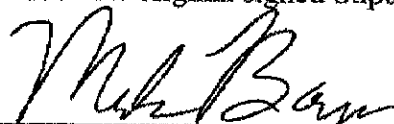
Richard Uno, Counsel  
Bureau of Real Estate

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Respondent has read this Stipulation and Waiver, and its terms are understood by Respondent and are agreeable and acceptable to Respondent. Respondent understands that Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and Respondent willingly, intelligently and voluntarily waives those rights, including the right of a hearing on the Statement of Issues at which Respondent 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 the following 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.

04/10/2016



Dated

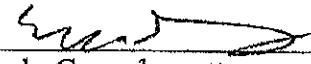
MARK THOMAS BANDALAN, Respondent

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I have reviewed the Stipulation and Waiver s to form and content and have advised my client accordingly.

4-11-16

  
Edgardo Gonzalez, attorney for Respondent

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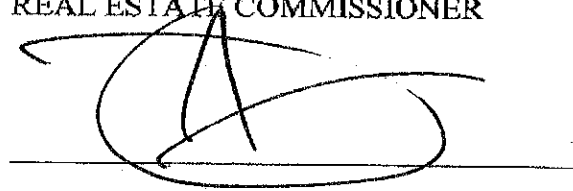
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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, if Respondent has otherwise fulfilled all of the statutory requirements for mortgage loan originator license endorsement. The restricted real estate salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED MAY 11, 2016

WAYNE BELL  
REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner