

1 Bureau of Real Estate
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FILED

JUL 31 2018

DEPARTMENT OF REAL ESTATE

By B. Nicholas

8 **BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 *In the Matter of the Application of*

12 **ROBERT MOWLES RUIZ,**

13 **Respondent.**

H-12149

14 **STIPULATION AND WAIVER**
(Per Business and Professions Code § 10100.4)

15 It is hereby stipulated by and between ROBERT MOWLES RUIZ, ("Respondent")
16 acting by and through his counsel Frank Buda, and the Complainant, acting by and through Kyle T.
17 Jones, counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and
18 disposing of the Statement of Issues filed on October 18, 2017 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of
20 Issues and the Statement to Respondent filed by the Bureau in connection with Respondent's
21 application for a real estate salesperson license.

22 Respondent understands that the Real Estate Commissioner ("Commissioner")
23 may hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
24 Respondent's honesty and truthfulness and to prove other allegations therein, or that the Commissioner
25 may waive the hearing and grant Respondent a restricted real estate salesperson license based upon this
26 Stipulation and Waiver. Respondent also understands that by entering into this Stipulation and
27 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 salesperson

1 license thereby justifying the denial of the issuance to him of an unrestricted real estate salesperson
2 license.

3 Respondent hereby admits the allegations of the Statement of Issues filed against
4 Respondent are true and correct and requests that the Commissioner issue a restricted real estate
5 salesperson license to Respondent under the authority of Section 10100.4 and 10156.5 of the Code.
6 Respondent understands that any such restricted license will be issued subject to the provisions of and
7 limitations of sections 10156.6 and 10156.7 of the Code.

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

14 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
15 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
16 removed only by filing a Petition for Removal of Restrictions ("petition") with the Commissioner, and
17 that Respondent's petition must follow the procedures set forth in Government Code Section 11522.
18 Respondent understands that this Stipulation and Waiver, which was executed pursuant to
19 the authority under Section 10100.4 and 10156.5 of the Code, is considered discipline by the Bureau.

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

23 1. The license shall not confer any property right in the privileges to be exercised
24 and the Commissioner may by appropriate order suspend the right to exercise any privileges granted
25 under this restricted license in the event of:
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1 a. Respondent's conviction (including a plea of nolo contendere) of a
2 crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate
3 licensee; or

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

7 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
8 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the
9 restricted real estate license until two (2) years have elapsed from the date of issuance of the restricted
10 real estate license to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses
11 until all restrictions attaching to the license have been removed.

12 3. With the application for license, or with the application for transfer to a new
13 employing broker, Respondent shall submit a statement signed by the prospective employing broker on
14 a form approved by the Bureau wherein the employing broker shall certify as follows:

15 a. That broker has read the Stipulation and Waiver which is the basis for the
16 issuance of the restricted license; and

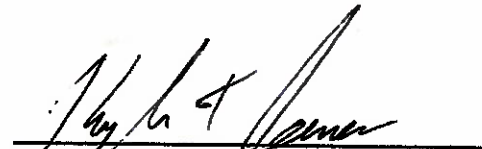
17 b. That broker will carefully review all transaction documents prepared by the
18 restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for
19 which a license is required.

20 4. Respondent shall notify the Commissioner in writing within 72 hours of any
21 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box
22 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the
23 crime for which Respondent was arrested and the name and address of the arresting law enforcement
24 agency. Respondent's failure to timely file written notice shall constitute an independent violation of
25 the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

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7/8/18


Dated


KYLE JONES, Counsel
Bureau of Real Estate

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.

6/28/18


Dated


ROBERT MOWLES RUIZ
Respondent

I have reviewed this Stipulation and Waiver as to form and content and have advised my client accordingly.

7-2-18

Dated


FRANK BUDA
Attorney for Respondent

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 ROBERT MOWLES RUIZ, if Respondent has otherwise fulfilled all of the

1 statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted
2 as specified in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

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5 IT IS SO ORDERED July 26, 2018.

7 DANIEL J. SANDRI
8 ACTING REAL ESTATE COMMISSIONER

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