

Jack [Signature]

FILED

MAY 19 1993

DEPARTMENT OF REAL ESTATE
BY Jana B. Iron

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Application of)
JOSE GUADALUPE VIRAMONTES,) No. H- 25364 LA
Respondent.) **STIPULATION AND WAIVER**

I, JOSE GUADALUPE VIRAMONTES, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on March 30, 1993, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 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 to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 22 day of APRIL, 1993.

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20 Respondent, JOSE GUADALUPE VIRAMONTES

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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 JOSE GUADALUPE VIRAMONTES 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.

DATED this 13TH day of May, 1993.

CLARK WALLACE
Real Estate Commissioner



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JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 897-3937

FILED

MAR 30 1993

DEPARTMENT OF REAL ESTATE
BY Laura B. Chona

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	NO. H-25364 LA
JOSE GUADALUPE VIRAMONTES,)	<u>STATEMENT OF ISSUES</u>
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Respondent.))
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The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, requires further proof of the honesty and truthfulness of JOSE GUADALUPE VIRAMONTES (hereinafter referred to as respondent), in connection with respondent's application for a real estate salesperson license, filed on August 26, 1992, and in relation thereto, will consider the following:

I

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about August 26, 1992, with the knowledge and understanding that any license

1 issued as a result of said application would be subject to the
2 conditions of Section 10153.4 of the Business and Professions
3 Code.

4 II

5 On or about January 15, 1992, in the Municipal Court,
6 County of Los Angeles, State of California respondent was
7 convicted of violating Penal Code Section 484 (Petty Theft), a
8 crime involving moral turpitude.

9 III

10 The crime of which respondent was convicted bears a
11 substantial relationship to the qualifications, functions or
12 duties of a real estate licensee.

13 IV

14 Respondent's criminal conviction is grounds for
15 denying respondent's application for a real estate license under
16 Sections 480 and 10177(b) of the Business and Professions Code
17 of the State of California.

18 These proceedings are brought under the provisions of
19 Section 10100, Division 4 of the Business and Professions Code
20 of the State of California and Sections 11500 through 11528 of
21 the Government Code.

22 Dated at Los Angeles, California

23 this 30th day of March, 1993.

STEVEN J. ELLIS

24 Deputy Real Estate Commissioner

25
26 cc: Jose Guadalupe Viramontes
27 Progreso Realty Corporation
Sacto.
VJ

lbo