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FILED
NOV - 8 1994
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Application of

JAVIER LEON CASTILLO,

Respondent.

No. H- 25858 LA

STIPULATION AND WAIVER

I, JAVIER LEON CASTILLO, 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 August 10, 1994, 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 five years have 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's restricted real estate salesperson license is issued subject to the requirements of
8 Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen
9 (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commis-
10 sioner of successful completion, at an accredited institution, of two of the courses listed in Section
11 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate
12 finance or advanced real estate appraisal. If Respondent fails to timely present to the Department
13 satisfactory evidence of successful completion of the two required courses, the restricted license
14 shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said
15 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
16 has submitted the required evidence of course completion and the Commissioner has given written
17 notice to the Respondent of lifting of the suspension.

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

22 DATED this 9th day of October, 1994.

23 
24 Respondent

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent JAVIER LEON CASTILLO if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 26th day of October, 1994.

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12 Real Estate Commissioner

13 John R. Liberator
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193-1109-002 ✓

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)

Case No. 25858 LA

JAVIER LEON CASTILLO,)

OAH No. L-09031

Respondent(s).)

FILED
SEP 15 1994
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, California, on October 11, 1994, at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: September 14, 1994

DEPARTMENT OF REAL ESTATE

By:

ELLIOTT MAC LENNAN, Counsel

ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3194

FILED
AUG 10 1994
DEPARTMENT OF REAL ESTATE

[Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25858 LA
JAVIER LEON CASTILLO,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JAVIER LEON CASTILLO (respondent) is informed and alleges in his official capacity as follows:

I

Respondent was issued a real estate salesperson license on March 26, 1991, following respondent's application therefor filed on or about March 14, 1991. In case number H-1201 SA, respondent's license was revoked on September 3, 1991. Respondent has applied again for a salesperson license on October 28, 1993 as set forth in Paragraph II.

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II

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 with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

III

On or about August 30, 1985 in the Superior Court of California, Norwalk, Southeast Judicial District, Los Angeles County, respondent was convicted on a plea of guilty to one count of California Penal Code Section 459 (Burglary of an Occupied Dwelling), a felony crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's criminal conviction, as alleged in Paragraph IV above, constitutes cause under Sections 480(a) and 10177(b) of the Business and Professions Code, for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

WHEREFORE, Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of a real estate salesperson license to

1 respondent and for such other and further relief as may be proper
2 in the premises.

3 Dated at Los Angeles, California

4 this 10 day of August , 1994.

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7 Deputy Real Estate Commissioner
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24 cc: Javier Leon Castillo
25 National Pacific Mortgage Corporation
26 Sacto.
27 DA