

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this Order:

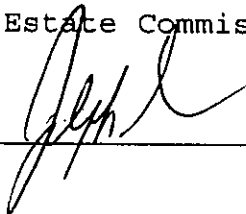
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: 11-13-07

22 JEFF DAVI
23 Real Estate Commissioner

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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
DEC - 6 1996
DEPARTMENT OF REAL ESTATE

By K. Kriedel

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26656 LA
JAMES SALVADOR GONZALES,)	<u>STIPULATION AND AGREEMENT</u>
Respondents.)	<u>IN SETTLEMENT AND ORDER</u>

It is hereby stipulated by and between JAMES SALVADOR GONZALES (sometimes referred to as Respondent), and his attorney Rose Pothier, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows, for the purpose of settling and disposing of the Accusation filed on June 14, 1996. in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement in Settlement.

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2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

3. On July 8, 1996, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing, such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, although not admitting or denying the truth of the allegations, will not contest the factual allegations contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement in Settlement as his decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights

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2 as set forth below in the "Order". In the event that the
3 Commissioner in his discretion does not adopt the Stipulation and
4 Agreement in Settlement, it shall be void and of no effect, and
5 Respondent shall retain the right to a hearing and proceeding on
6 the Accusation under all the provisions of the APA and shall not
7 be bound by any stipulation or waiver made herein.

8 6. The Order or any subsequent Order of the Real
9 Estate Commissioner made pursuant to this Stipulation and
10 Agreement in Settlement shall not constitute an estoppel,
11 merger or bar to any further administrative or civil
12 proceedings by the Department of Real Estate with respect to
13 any matters which were not specifically alleged to be causes
14 for accusation in this proceeding, but shall constitute a
15 bar, estoppel and merger as to any allegations actually
16 contained in the accusations against Respondent herein.

17 7. The foregoing stipulations are made by
18 Respondent and received by the Commissioner and the
19 Department of Real Estate with the express understanding and
20 agreement that they are for the purposes of settling these
21 proceedings only and that these stipulations are not to be
22 deemed, used, or accepted as an acknowledgment or stipulation
23 in any other civil or administrative proceeding to which this
24 Department is not a party.

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations and waivers
27 and solely for the purpose of settlement of the pending

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2 Accusation without a hearing, it is stipulated and agreed
3 that the following determination of issues shall be made:

4 I

5 The conduct of Respondent, as alleged in the
6 Accusation, is grounds for the suspension or revocation of
7 all of the real estate licenses and license rights of
8 Respondent under the provisions of Sections 10130, 10177(d),
9 and 10137 of the Business and Professions Code.

10 ORDER

11 All licenses and license rights of Respondent JAMES
12 SALVADOR GONZALES under the Real Estate Law are hereby
13 revoked; provided, however, that a restricted real estate
14 salesperson license shall be issued to Respondent pursuant to
15 Section 10156.5 of the Business and Professions Code if
16 Respondent makes application therefor, and pays to the
17 Department of Real Estate the appropriate fee for said
18 license within 90 days from the effective date of the Order
19 herein. The restricted license issued to Respondent shall be
20 subject to all of the provisions of Section 10156.7 of the
21 Business and Professions Code and to the following
22 limitations, conditions and restrictions imposed under
23 authority of Section 10156.6 of the Code.

24 1. The restricted license may be suspended,
25 pending final determination made after formal hearing, by
26 Order of the Real Estate Commissioner in the event of
27 Respondent's conviction or plea of nolo contendere to a crime

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2 which bears a significant relationship to Respondent's
3 fitness or capacity as a real estate licensee.

4 2. The restricted license may be suspended,
5 pending final determination made after formal hearing, by
6 Order of the Real Estate Commissioner based upon evidence
7 satisfactory to the Commissioner that Respondent has violated
8 provisions of the California Real Estate Law, the Subdivided
9 Lands Law, Regulations of the Real Estate Commissioner or
10 conditions attaching to the restricted license.

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

16 a. That broker has read the Order herein and the
17 Accusation which is the basis for the issuance
18 of the restricted license, and

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

24 4. Respondent shall not be eligible to apply for
25 the issuance of an unrestricted real estate license nor the
26 removal of any of the conditions, limitations or restrictions
27 of the restricted license until at least one (1) year has
elapsed from the effective date of this Order.

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5. Respondent shall, within 12 months from the
effective date of the Order, present evidence satisfactory to
the Real Estate Commissioner that Respondent has, since the
most recent issuance of an original or renewal real estate
license, taken and successfully completed the continuing
education requirements of Article 2.5 of Chapter 3 of the
Real Estate Law for renewal of a real estate license. If
Respondent fails to satisfy this condition, the Commissioner
may order the suspension of the restricted license until the
Respondent presents such evidence. The Commissioner shall
afford Respondent the opportunity for a hearing pursuant to
the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six months from the
effective date of the restricted license, take and pass the
Professional Responsibility Examination administered by the
Department including the payment of the appropriate
examination fee. If Respondent fails to satisfy this
condition, the Commissioner may order suspension of the
restricted license until Respondent passes the examination.

DATED: Nov. 7, 1996


James R. Peel
JAMES R. PEEL
Counsel for Complainant

* * * *

I have read the Stipulation and Agreement in
Settlement, and its terms are understood by me and are
agreeable and acceptable to me. I understand that I am
waiving rights given to me by the California Administrative

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2 Procedure Act (including but not limited to Sections 11506,
3 11508, 11509 and 11513 of the Government Code), and I
4 willingly, intelligently and voluntarily waive those rights,
5 including the right of requiring the Commissioner to prove
6 the allegations in the Accusation at a hearing at which I
7 would have the right to cross-examine witnesses against me
8 and to present evidence in defense and mitigation of the
9 charges.

10 DATED: 10/31/96



JAMES SALVADOR GONZALES
Respondent

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12 DATED: 11/5/96



ROSE POTHIER
Counsel for Respondent

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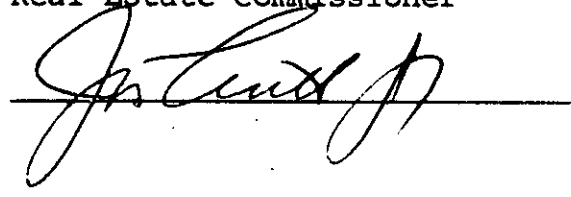
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The foregoing Stipulation and Agreement in
Settlement is hereby adopted as my Order and shall become
effective at 12 o'clock noon on December 26, 1996.

IT IS SO ORDERED 11-26-96

JIM ANTT, JR.
Real Estate Commissioner



James

FILED
OCT - 7 1996

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By *K. Krieder*

In the Matter of the Accusation of

JAMES SALVADOR GONZALES,

}
}

Case No. H-26656 LA

OAH No. L-9609097

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

**You are hereby notified that a hearing will be held before the Department of Real Estate at _____
627 Santa Barbara Street, Santa Barbara, CA 93101**

**on January 28, 29 & 30, 1997, at the hour of 10:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation 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.

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.

DEPARTMENT OF REAL ESTATE

Dated: October 7, 1996

By *James R. Peel*
Counsel

cc: James Salvador Gonzales
Paul Douglas Mooney
Rose Pothier, Esq.
Sacto OAH LK

FILED
JUN 14 1996
DEPARTMENT OF REAL ESTATE

By K. W. Underholt

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-26656 LA
)	
)	<u>A C C U S A T I O N</u>
JAMES SALVADOR GONZALES,)	
)	
Respondent.)	
)	
)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JAMES SALVADOR GONZALES, alleges as follows:

I

The Complainant, Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner in the State of California, makes this Accusation against JAMES SALVADOR GONZALES.

II

JAMES SALVADOR GONZALES (hereinafter referred to as respondent) is presently licensed and/or has license rights

Handwritten notes:
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under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

At all times herein mentioned, respondent GONZALES was licensed by the Department of Real Estate as a real estate salesperson, acting for compensation and in expectation of compensation, and performing acts for which a real estate license is required, and was licensed to and employed by real estate broker Seacoast Financial, Inc.

IV

Within the three year period preceding the filing of this Accusation, respondent, acting in the capacity of a real estate broker, violated Section 10130 of the Code when he solicited and negotiated loans on real property as set forth in the table below without the knowledge or permission of his employing broker. Respondent's conduct required him to have and possess a real estate broker license under Section 10131(d) of the Code.

	<u>Name of Borrower</u>	<u>Property Location</u>
1.	Patty Bell	688 Shamrock, Arroyo Grande, California
2.	Melvin Lee and Emma Darnell Brown	218 Seaview Avenue, Shell Beach, California
3.	Fidel Cardenas Alicia Cardenas	841 Raaberg Avenue, Santa Maria, California
4.	Louise S. Cecil	198 Santa Ynez Avenue, Paso Robles, California
5.	Suewella Davison	183 E. Tefft Nipomo, California

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| 6 | Charles and Cynthia Fields | 321 E. College Ave.
Lompac, California |
| 7. | Robert Lee Pyne | 417 Dale Ave.,
Arroyo Grande,
California |
| 8. | Ronald D. Grant | 1304 Poplar St.,
Arroyo Grande,
California |
| 9. | Ronald D. Grant | |
| 10. | Morris W. Kautz, Jr.
and Gerri D. Kautz | 856 Longbranch Ave.,
Grover Beach,
California |
| 11. | James Albert and Deidre Dawn Hedger | 620 Truman Dr.,
Oceano,
California |
| 12 | John J. and Henrietta Lucas | 271 Bridge St.,
San Luis Obispo,
California |
| 13. | Morris Henry Rivers,
trustee,
Joyce Anna Rivers,
trustee | 390 Harborview,
Pismo Beach,
California |
| 14. | Vern C. and Norma J. Brown,
Elmer H. Bayer, Sr., trustee,
John and Delores Garoogian,
Gina Garoogian, Vernon G.
and Doris M. Emrich | Lot 8, Tract 5578,
Santa Maria, California |
| 15. | Bob and Peg Edwards,
William Bedord and
Helen Elizabeth Dooze,
trustees, Richard
and Mary E. Valentine | Lot 38, Tract 5578,
Santa Maria,
California |
| 16. | Wallace E. and Lois A. Dunn,
trustees, Wallace E. Dunn,
trustee | Lot 32, Tract 5578,
Santa Maria,
California |
| 17. | (same as 16) | Lot 36, Tract 5578,
Santa Maria, California. |
| 18. | JBT Partners | Lot 39, Tract 5578,
Santa Maria, California |

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WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and licensing rights of respondent JAMES SALVADOR GONZALES under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 14th day of June, 1996.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc: James Salvador Gonzales
Paul Douglas Mooney
Sacto
LK