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**FILED**  
JAN 07 1998  
DEPARTMENT OF REAL ESTATE

By [Signature]

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*In the Matter of the Application of*

MARCOS ANDREW FORRESTER,

Respondent

No. H- 27427 LA

STIPULATION AND  
WAIVER

I, MARCOS ANDREW FORRESTER, 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 October 28, 1997, 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

1 stipulating that the Real Estate Commissioner has found that I have failed to make such a showing,  
2 thereby justifying the denial of the issuance 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  
4 and request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson  
5 license to me under the authority of Section 10156.5 of the Business and Professions Code. I  
6 understand that any such restricted license will be issued subject to and be limited by Section 10153.4  
7 of the Business and Professions 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  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

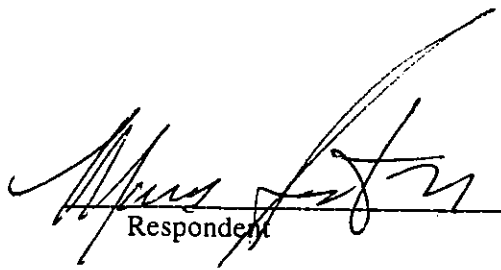
13 I further understand that the following conditions, limitations and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the  
17 right to 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  
19 bears a substantial relationship to respondent's fitness or capacity as a real estate  
20 licensee; or
  - 21 b. The receipt of evidence that respondent has violated provisions of the California Real  
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
25 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted  
26 license until one year has elapsed from the date of issuance of the restricted license to  
27 respondent.

- 1           3.   With the application for license, or with the application for transfer to a new employing  
2           broker, respondent shall submit a statement signed by the prospective employing broker on a  
3           form approved by the Department of Real Estate wherein the employing broker shall certify  
4           as follows:
- 5           a.   That broker has read the Statement of Issues which is the basis for the issuance of the  
6           restricted license; and
- 7           b.   That broker will carefully review all transaction documents prepared by the restricted  
8           licensee and otherwise exercise close supervision over the licensee's performance of acts  
9           for which a license is required.
- 10          4.   Respondent's restricted real estate salesperson license is issued subject to the requirements of  
11          Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within  
12          eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to  
13          the Commissioner of successful completion, at an accredited institution, of two of the courses  
14          listed in Section 10153.2, other than real estate principles, advanced legal aspects of real  
15          estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to  
16          timely present to the Department satisfactory evidence of successful completion of the two  
17          required courses, the restricted license shall be automatically suspended effective eighteen  
18          (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to  
19          the expiration of the restricted license, Respondent has submitted the required evidence of  
20          course completion and the Commissioner has given written notice to the Respondent of lifting  
21          of the suspension.
- 22          5.   Pursuant to Section 10154, if Respondent has not satisfied the requirements for an  
23          unqualified license under Section 10153.4, Respondent shall not be entitled to renew the  
24          restricted license, and shall not be entitled to the issuance of another license which is subject  
25          to Section 10153.4 until four years after the date of the issuance of the preceding restricted  
26          license.

27          DATED this 24 day of November, 1997.

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Respondent

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 MARCOS ANDREW FORRESTER, 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 16<sup>TH</sup> day of DECEMBER, 1997.

Real Estate Commissioner  


SACTO  
filed

197-0730-001  
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
NOV 17 1997  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

In the Matter of the Application of ) NO. H-27427 LA  
MARCOS ANDREW FORRESTER, )  
 ) NOTICE OF HEARING ON ACCUSATION  
 )  
 )  
Respondent. )  
 )

L-1997 1100 84

**To the above-named Respondent(s):**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, 2nd. Floor, Los Angeles, California 90012 on DECEMBER 9, 1997. at 9:00 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.

**Dated:** November 17, 1997

**DEPARTMENT OF REAL ESTATE**

By: *James R. Peel*  
JAMES R. PEEL  
DRE, Counsel

cc: MARCOS ANDREW FORRESTER  
JAMES HODGES, ESQ.  
MS, OAH & SACTO

1 JAMES R. PEEL, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, CA 90012  
5 (213) 897-3937

**FILED**  
OCT 28 1997  
DEPARTMENT OF REAL ESTATE  
By [Signature]

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Application of ) NO. H-27427 LA  
12 )  
13 ) MARCOS ANDREW FORRESTER, ) STATEMENT OF ISSUES  
14 ) Respondent. )  
\_\_\_\_\_ )

15 The Real Estate Commissioner, in conformity with  
16 Section 10152, Division 4, Business and Professions Code of the  
17 State of California, requires further proof of the honesty and  
18 truthfulness of MARCOS ANDREW FORRESTER, (hereinafter referred  
19 to as respondent), in connection with respondent's application  
20 for a real estate salesperson license, filed on July 11, 1997,  
21 and in relation thereto, will consider the following:

22 I

23 Respondent, pursuant to the provisions of Section  
24 10153.3 of the Business and Professions Code, made application  
25 to the Department of Real Estate of the State of California for  
26 a real estate salesperson license on or about July 11, 1997,  
27 with the knowledge and understanding that any license issued as

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

3 II

4 On or about January 2, 1992, in the U.S. District  
5 Court for the District of New Mexico, respondent was convicted  
6 of violating 21 USC 856(a)(1) (Maintaining an Establishment for  
7 purposes of Distribution of cocaine), a felony involving moral  
8 turpitude.

9 III

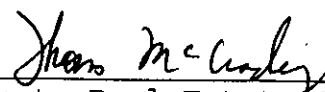
10 The crime of which respondent was convicted bears a  
11 substantial relationship to the qualifications, functions or  
12 duties of a real estate licensee.

13 IV

14 Respondent's conviction is grounds for denying  
15 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 this 28th day of  
23 October, 1997.

24   
25 Deputy Real Estate Commissioner

26 cc: Marcos A. Forrester  
27 Sacto.  
MS

rd

