

FILED
MAY 11 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
LEONARDO A. LOPEZ,) No. H-27697 LA
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On July 21, 1998, an Order was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on August 11, 1998, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On September 1, 1999, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

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1 I have considered Respondent's petition and the
2 evidence submitted in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that he meets the requirements of law for the
5 issuance to him of an unrestricted real estate salesperson
6 license and that it would not be against the public interest to
7 issue said license to him.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for removal of restrictions is granted and that a real
10 estate salesperson license be issued to him subject to the
11 following understanding and conditions:

12 1. The license issued pursuant to this order shall be
13 deemed to be the first renewal of respondent's real estate
14 salesperson license for the purpose of applying the provisions of
15 Section 10153.4.

16 2. Within nine (9) months from the date of this order
17 respondent shall:

18 (a) Submit a completed application and pay the
19 appropriate fee for a real estate salesperson license, and

20 (b) Submit evidence of having taken and successfully
21 completed the courses specified in subdivisions (a) (1),
22 (2), (3) and (4) of Section 10170.5 of the Real Estate
23 Law for renewal of a real estate license.

24 3. Upon renewal of the license issued pursuant to this
25 order, respondent shall submit evidence of having taken and
26 successfully completed the continuing education requirements of
27

1 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
2 real estate license.

3 This Order shall become effective immediately.

4 DATED: May 3, 2000.

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PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
JUL 27 1998
DEPARTMENT OF REAL ESTATE

By C. J. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	NO. H-27697 LA
12 LEONARDO A. LOPEZ,)	L-1998060091
13 Respondent.)	<u>STIPULATION AND WAIVER</u>

14
15 I, LEONARDO A. LOPEZ, Respondent herein, do hereby
16 affirm that I have applied to the Department of Real Estate for
17 a real estate salesperson license and that to the best of my
18 knowledge I have satisfied all of the statutory requirements for
19 the issuance of the license, including the payment of the fee
20 therefor.

21 I acknowledge that I have received and read the
22 Statement of Issues and the Statement to Respondent filed by the
23 Department of Real Estate on May 21, 1998, in connection with my
24 application for a real estate salesperson license. I understand
25 that the Real Estate Commissioner may hold a hearing on this
26 Statement of Issues for the purpose of requiring further proof
27 of my honesty and truthfulness and to prove other allegations

1 therein, or that he may in his discretion waive the hearing and
2 grant me a restricted real estate salesperson license based upon
3 this Stipulation and Waiver. I also understand that by filing
4 the Statement of Issues in this matter the Real Estate
5 Commissioner is shifting the burden to me to make a satisfactory
6 showing that I meet all the requirements for issuance of a real
7 estate salesperson license. I further understand that by
8 entering into this stipulation and waiver I will be stipulating
9 that the Real Estate Commissioner has found that I have failed
10 to make such a showing, thereby justifying the denial of the
11 issuance to me of an unrestricted real estate salesperson
12 license.

13 I hereby admit that the allegations of the Statement
14 of Issues filed against me are true and correct and request that
15 the Real Estate Commissioner in his discretion issue a
16 restricted real estate salesperson license to me under the
17 authority of Section 10156.5 of the Business and Professions
18 Code. I understand that any such restricted license will be
19 issued subject to and be limited by Section 10153.4 of the
20 Business and Professions Code.

21 I am aware that by signing this Stipulation and
22 Waiver, I am waiving my right to a hearing and the opportunity
23 to present evidence at the hearing to establish my
24 rehabilitation in order to obtain an unrestricted real estate
25 salesperson license if this Stipulation and Waiver is accepted
26 by the Real Estate Commissioner. However, I am not waiving my
27 right to a hearing and to further proceedings to obtain a



1 restricted or unrestricted license if this Stipulation and
2 Waiver is not accepted by the Commissioner.

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

6 1. The license shall not confer any property right in
7 the privileges to be exercised including the right of renewal,
8 and the Real Estate Commissioner may by appropriate order
9 suspend the right to exercise any privileges granted under this
10 restricted license in the event of;

11 a. The conviction of Respondent (including a plea of
12 nolo contendere) to a crime which bears a substantial
13 relationship to Respondent's fitness or capacity as a real
14 estate licensee; or

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

19 2. Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license nor the removal
21 of any of the conditions, limitations or restrictions attaching
22 to the restricted license until one year has elapsed from the
23 date of issuance of the restricted license to Respondent.

24 3. With the application for license, or with the
25 application for transfer to a new employing broker, Respondent
26 shall submit a statement signed by the prospective employing
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1 broker on a form approved by the Department of Real Estate
2 wherein the employing broker shall certify as follows:

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

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

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

26 5. Pursuant to Section 10154, if Respondent has not
27 satisfied the requirements for an unqualified license under



1 Section 10153.4, Respondent shall not be entitled to renew the
2 restricted license, and shall not be entitled to the issuance of
3 another license which is subject to Section 10153.4 until four
4 years after the date of the issuance of the preceding restricted
5 license.

6 DATED this 10 day of July, 1998.

7
8 Leonardo A. Lopez
9 Respondent, LEONARDO A. LOPEZ

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11 I have read the Statement of Issues filed herein and
12 the foregoing Stipulation and Waiver signed by Respondent. I am
13 satisfied that the hearing for the purpose of requiring further
14 proof as to the honesty and truthfulness of Respondent need not
15 be called and that it will not be inimical to the public
16 interest to issue a restricted real estate salesperson license
17 to Respondent.

18 Therefore, IT IS HEREBY ORDERED that a restricted real
19 estate salesperson license be issued to Respondent, LEONARDO A.
20 LOPEZ, if Respondent has otherwise fulfilled all of the
21 statutory requirements for licensure. The restricted license
22 shall be limited, conditioned and restricted as specified in the
23 foregoing Stipulation and Waiver.

24 This Order is effective immediately.

25 DATED: 7/21/98.

26 JIM ANTT, JR.
Real Estate Commissioner

27 J. Antt

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-27697 LA
)
LEONARDO A. LOPEZ,) OAH No. L-1998060091
)

Respondent(s)

FILED
JUN 18 1998
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By CS

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, Second Floor, Los Angeles, CA 90012 on FRIDAY, JULY 10, 1998, at the hour of 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.

DEPARTMENT OF REAL ESTATE

Dated: June 18, 1998

By

Darlene Averetta
DARLENE AVERETTA, Counsel

cc: Leonardo A. Lopez
Law Offices of Heriberto F. Diaz
c/o Deepak Nanda, Esq.
Sacto.
OAH

CEB

RE 501 (LA Mac 11/92)

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II

2 Complainant, Thomas McCrady, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

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III

6 On or about December 12, 1995, in the Municipal Court
7 of Los Angeles - San Fernando Judicial District, County of
8 Los Angeles, State of California, Respondent, LEONARDO A. LOPEZ,
9 aka Leonardo Acosta Lopez, was convicted on his plea of nolo
10 contendere to violating Section 502.7(A)(5) of the Penal Code
11 (Use of Device to Defraud Telephone Co.), a crime involving
12 moral turpitude which bears a substantial relationship under
13 Section 2910, Title 10, California Code of Regulations, to the
14 qualifications, functions or duties of a real estate licensee.

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IV

16 The crime of which Respondent was convicted, as alleged
17 in Paragraph III above, constitutes cause for denial of
18 Respondent's application for a real estate license under Code
19 Sections 480(a)(1) and 10177(b).

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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of a real estate salesperson
5 license to Respondent, and for such other and further relief as
6 may be proper in the premises.

7 Dated at Los Angeles, California
8 this 21st day of May, 1998.

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10 THOMAS MCCRADY
11 Deputy Real Estate Commissioner
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24 cc: Leonardo A. Lopez
25 Sacto.
26 RW
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