

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone (213) 576-6982
5 -or- (213) 576-6910 (Direct)

FILED
JUN - 7 1999
DEPARTMENT OF REAL ESTATE

By C. J. [Signature]

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 RAFAEL SALINAS,) NO. H-28093 LA
14 Respondent.) STIPULATION AND WAIVER
15 _____)

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

22 I acknowledge that I have received and read the
23 Statement of Issues and the Statement to Respondent filed by the
24 Department of Real Estate on April 15, 1999, in connection with
25 my application for a real estate salesperson license. I
26 understand that the Real Estate Commissioner may hold a hearing
27 on this Statement of Issues for the purpose of requiring further

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

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

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



1 right to a hearing and to further proceedings to obtain a
2 restricted or unrestricted license if this Stipulation and
3 Waiver is not accepted by the Commissioner.

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

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

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

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

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

25 3. With the application for license, or with the
26 application for transfer to a new employing broker, Respondent
27 shall submit a statement signed by the prospective employing



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 15 day of MAY, 1999.

7
8 
9 Respondent, RAFAEL SALINAS

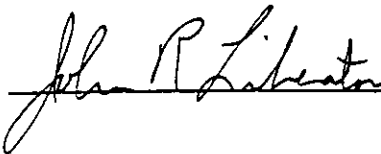
10
11 I have read the Statement of Issues filed herein and
12 the foregoing Stipulation and Waiver signed by Respondent. I am
13 satisfied that the hearing for the purpose of requiring further
14 proof as to the honesty and truthfulness of Respondent need not
15 be called and that it will not be inimical 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, RAFAEL
20 SALINAS, 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: June 1, 1999.

26 JOHN R. LIBERATOR
27 Acting Real Estate Commissioner



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of)

Case No. H-28093 LA

RAFAEL SALINAS,

OAH No. L-1999040589

Respondent(s)

FILED
MAY 12 1999

NOTICE OF HEARING ON APPLICATION DEPARTMENT OF REAL ESTATE

To the above-named Respondent(s):

By C. B.

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, JUNE 11, 1999, 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. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: May 12, 1999

By CHRIS LEONG

CHRIS LEONG, Counsel

cc: Rafael Salinas
Eugene G. Larson/Century 21-Larson Realty, Inc.

Sacto.

OAH

CHRIS LEONG, Counsel
State Bar Number 141079
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

FILED
APR 15 1999
DEPARTMENT OF REAL ESTATE

Counsel Leong (213) 576-6910
Legal Section (213) 576-6982

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
RAFAEL SALINAS,)	NO. H-28093 LA
Respondent.)	<u>STATEMENT OF ISSUES</u>

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RAFAEL SALINAS (hereinafter "Respondent"), alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a conditional real estate salesperson license on or about January 25, 1999. This license was to be subject to Section 10153.4 of the Business and Professions Code.

II

Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Statement of

1 Issues in his official capacity.

2 III

3 On or about June 15, 1994, in the Superior Court of
4 California, County of Los Angeles, California, Respondent was
5 convicted of violating Section 11351 of the Health and Safety
6 Code (Poss for sale of a controlled substance), a crime
7 involving moral turpitude which is substantially related under
8 Section 2910, Title 10, Chapter 6, California Code of
9 Regulations, to the qualifications, functions or duties of a
10 real estate licensee.

11 IV

12 The crime of which Respondent was convicted, as
13 alleged above in Paragraph III, is cause for the denial of
14 Respondent's application for a real estate license under
15 Sections 480(a)(1) and 10177(b) of the California Business and
16 Professions Code.

17 WHEREFORE, the Complainant prays that the above-
18 entitled matter be set for hearing and, upon proof of the
19 charges contained herein, that the Commissioner refuse to
20 authorize the issuance of, and deny the issuance of, a real
21 estate salesperson license to Respondent, and for such other and
22 further relief as may be proper in the premises.

23 Dated at Los Angeles, California
24 this 15th day of April, 1999.

25 THOMAS MCCRADY

26 Deputy Real Estate Commissioner

27 cc: Rafael Salinas
Thomas McCrady
Sacto.
PM

