



1 On November 7, 2005, Respondent petitioned for the  
2 removal of restrictions attaching to Respondent's real estate  
3 salesperson license.

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

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

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

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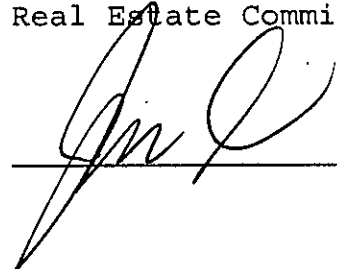
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1                   2. Submittal of evidence of having, since the most  
2 recent issuance of an original or renewal real estate license,  
3 taken and successfully completed the continuing education  
4 requirements of Article 2.5 of Chapter 3 of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

6                   This Order shall be effective immediately.

7                   Dated: 4-24-07

8                   JEFF DAVI  
9                   Real Estate Commissioner

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25 cc: Mark A. Ruiz  
26       12554 Rose Street  
27       Cerritos, CA 90703

*Subpoena*

**FILED**  
JUN 12 2002  
DEPARTMENT OF REAL ESTATE

*Laura Malone*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-29405 LA
MARK ANTHONY RUIZ,	)	STIPULATION AND
Respondent.	)	WAIVER

It is hereby stipulated by and between MARK ANTHONY RUIZ (hereinafter "Respondent") and Respondent's attorney, Michael J. Steponovich, Jr, 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 Statement of Issues filed on February 28, 2002, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty

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

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

22 C. Respondent is aware that by signing this  
23 Stipulation and Waiver, Respondent is waiving Respondent's right  
24 to a hearing and the opportunity to present evidence at the  
25 hearing to establish Respondent's rehabilitation in order to  
26 obtain an unrestricted real estate salesperson license if this  
27 Stipulation and Waiver is accepted by the Real Estate

1 Commissioner. However, Respondent is not waiving Respondent's  
2 right to a hearing and to further proceedings to obtain a  
3 restricted or unrestricted license if this Stipulation and Waiver  
4 is not accepted by the Commissioner.

5 D. Respondent further understands that the following  
6 conditions, limitations, and restrictions will attach to a  
7 restricted license issued by the Department of Real Estate  
8 pursuant hereto:

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

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

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

22 2. Respondent shall not be eligible to apply for the  
23 issuance of an unrestricted real estate license nor the removal  
24 of any of the conditions, limitations or restrictions attaching  
25 to the restricted license until two years have elapsed from the  
26 date of issuance of the restricted license to Respondent.

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

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

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

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

1 completion and the Commissioner has given written notice to  
2 Respondent of the lifting of the suspension.

3           5. Pursuant to Section 10154, if Respondent has not  
4 satisfied the requirements for an unqualified license under  
5 Section 10153.4, Respondent shall not be entitled to renew the  
6 restricted license, and shall not be entitled to the issuance of  
7 another license which is subject to Section 10153.4 until four  
8 years after the date of the issuance of the preceding restricted  
9 license.

10 April 23, 2002  
11 DATED

James R. Peel  
12 JAMES R. PEEL, Counsel  
13 Department of Real Estate

14 \* \* \*

15           I have read the Stipulation and Waiver, have  
16 discussed it with my counsel, and its terms are understood by  
17 me and are agreeable and acceptable to me. I understand that  
18 I am waiving rights given to me by the California  
19 Administrative Procedure Act (including but not limited to  
20 Sections 11506, 11508, 11509, and 11513 of the Government  
21 Code), and I willingly, intelligently, and voluntarily waive  
22 those rights, including the right of a hearing on the Statement  
23 of Issues at which I would have the right to cross-examine  
24 witnesses against me and to present evidence in defense and  
25 mitigation of the charges.

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1 Respondent can signify acceptance and approval of the  
2 terms and conditions of this Stipulation and Waiver by faxing a  
3 copy of the signature page, as actually signed by Respondent,  
4 to the Department at the following fax number: (213) 576-6917.  
5 Respondent agrees, acknowledges and understands that by  
6 electronically sending to the Department a fax copy of his  
7 actual signature as it appears on the Stipulation and Waiver,  
8 that receipt of the faxed copy by the Department shall be as  
9 binding on Respondent as if the Department had received the  
10 original signed Stipulation and Waiver.

11 4-22-2  
12 DATED

*Mark A. Ruiz*  
13 MARK ANTHONY RUIZ  
14 Respondent

15 I have reviewed the Stipulation and Agreement as to  
16 form and content and have advised my client accordingly.

17 4/22/02  
18 DATED

19 *STEPONOVICH & ASSOCIATES*  
*A PROFESSIONAL LAW CORPORATION*  
20 BY: *[Signature]*  
21 MICHAEL J. STEPONOVICH, JR.  
22 Attorney for Respondent

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

1 Therefore, IT IS HEREBY ORDERED that a restricted real  
2 estate salesperson license be issued to Respondent if Respondent  
3 has otherwise fulfilled all of the statutory requirements for  
4 licensure. The restricted license shall be limited, conditioned,  
5 and restricted as specified in the foregoing Stipulation and  
6 Waiver.

7 This Order is effective immediately.

8 IT IS SO ORDERED May 31, 2002

9 PAULA REDDISH ZINNEMANN  
10 Real Estate Commissioner

11 Paula Reddish  
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*John Ruiz*

**FILED**  
APR 10 2002  
DEPARTMENT OF REAL ESTATE

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

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*James B. Peel*

In the Matter of the Application of ) Case No. H-29405 LA  
) L-2002030575  
MARK ANTHONY RUIZ, )  
)  
Respondent(s) )

**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, 320 West Fourth Street, Suite 630, Los Angeles, California, on **APRIL 23, 2002** at the hour of **1:30 p.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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

**Dated:** April 10, 2002

**DEPARTMENT OF REAL ESTATE**

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

cc: Mark Anthony Ruiz  
Michael J. Steponovich, Jr.  
Walter Louis Rosenkranz  
Sacto.  
OAH

*Stacy*

**FILED**  
FEB 28 2002  
DEPARTMENT OF REAL ESTATE

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105

Telephone: (213) 576-6982  
-or- (213) 576-6913 (Direct)

*James B. Peel*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Application of )	No. H-29405 LA
12 MARK ANTHONY RUIZ, )	<u>STATEMENT OF ISSUES</u>
13 Respondent. )	
14 _____ )	

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against MARK ANTHONY RUIZ (Respondent) is informed and alleges in  
18 her official capacity as follows:

I

20 On or about April 3, 2001, Respondent applied to the  
21 Department of Real Estate of the State of California for a real  
22 estate salesperson license with the knowledge and understanding  
23 that any license issued as a result of that application would be  
24 subject to the conditions of Section 10153.4 of the Business and  
25 Professions Code.

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II

On or about September 13, 1994, in the Municipal Court for the County of Orange, State of California, Respondent was convicted of violating Penal Code Section 242 (Battery), a crime involving moral turpitude and substantially related to the qualifications, functions or duties of a real estate licensee.

III

On or about June 24, 1997, in the Municipal Court, for the County of Orange, State of California, Respondent was convicted of violating Penal Code Sections 148(a) (Resist or Delay Officer) and 240 (Assault), crimes involving moral turpitude and substantially related to the qualifications, functions, and duties of a real estate licensee.

IV

The matters described in Paragraphs II and III constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

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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 MARK ANTHONY RUIZ, and for such other and  
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California  
8 this 29<sup>th</sup> day of February, 2002.

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12 MARIA SUAREZ  
13 Deputy Real Estate Commissioner  
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23 cc: Mark Anthony Ruiz  
24       Walter Louis Rosenkranz  
25       Sacto.  
26       Maria Suarez  
27       LWA

lbo