

FILED
JUN 28 2002
DEPARTMENT OF REAL ESTATE

By K. Kneiderhaff

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

JOSE ARANA,

Respondent

No. H- H-29534 LA

**STIPULATION AND
WAIVER**

I, JOSE ARANA, 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 June 7, 2002, 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 she may in her 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 stipulating that the Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
2 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
3 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
4 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
5 Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

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

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

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

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

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

24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

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

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

6 4. My restricted real estate salesperson license is issued subject to the requirements of Section
7 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
8 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
9 successful completion, at an accredited institution, of two of the courses listed in Section
10 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
11 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
12 satisfactory evidence of successful completion of the two required courses, the restricted license
13 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
14 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
15 submitted the required evidence of course completion and the Commissioner has given written
16 notice to me of the lifting of the suspension.

17 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
18 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
19 entitled to the issuance of another license which is subject to Section 10153.4 until four years
20 after the date of the issuance of the preceding restricted license.

21 XDATED this 11 day of June, 2002.

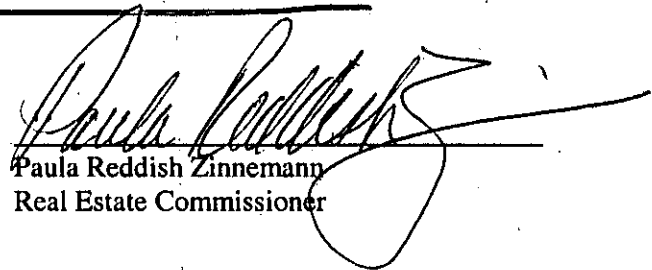
22
23 
JOSE ARANA, Respondent

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

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

5 This Order is effective immediately.

6 DATED this 24th day of June, 2002

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10 Paula Reddish Zinnemann
11 Real Estate Commissioner
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*Photo
Jury*

FILED
JUN 7 2002
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

By *K. Medinhold*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-29534 LA
12 JOSE ARANA,)	<u>STATEMENT OF ISSUES</u>
13 Respondent.)	

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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JOSE ARANA, aka Jose De La Cruz Arana (Respondent) is
18 informed and alleges in her official capacity as follows:

19 1.

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about August 1, 2001, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to Section 10153.4(c) under the Real
25 Estate Law (Part 1 of Division 4 of the California Business and
26 Professions Code) (Code).

2.

On January 20, 1998, in the Municipal Court of Alhambra Judicial District, County of Los Angeles, State of California, respondent was convicted upon a plea of nolo contendere to violating one count of Section 243(e) (battery on cohabitant), misdemeanor, which by its facts and circumstances, involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

3.

This crime constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

These proceedings are brought under the provisions of Section 10100, Division 4 of the California Business and Professions Code and Sections 11500 through 11529 of the California Government Code.

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1 WHEREFORE, the Complainant prays that above-entitled
2 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 JOSE ARANA, and for such other and further
6 relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this *3rd day of June 2000.*
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11 Deputy Real Estate Commissioner
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22 cc: Jose Arana
23 Robert Tamayo
24 Maria Suarez
25 Sacto
26 LWA
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