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FILED
AUG - 5 2008
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29734 LA
LAURA DIAZ,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On January 21, 2003, a Decision was rendered herein, denying Respondent's application for a real estate 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 March 1, 2003 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about April 9, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

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


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 Respondent if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this Order:

- 13 1. Submittal of a completed application and payment
14 of the fee for a real estate salesperson license.
15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 Dated: 2/3/08

22
23 JEFF DAVI
Real Estate Commissioner

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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 meets 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.
27

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 4/10/03
11 DATED


12 MARTHA J. ROSETT, Counsel
13 Department of Real Estate

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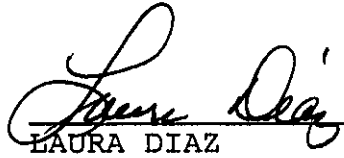
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* * *

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

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

January 6, 2002
DATED


LAURA DIAZ
Respondent

1 I have reviewed the Stipulation and Waiver as to form
2 and content and have advised my client accordingly.

3
4 January 6, 2003
5 DATED

6
7 Thomas N. Jacobson
8 THOMAS N. JACOBSON
9 Attorney for Respondent

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

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

23 This Order is effective immediately.

24 IT IS SO ORDERED

25 January 21, 2003

26 PAULA REDDISH ZINNEMANN
27 Real Estate Commissioner

Paula Reddish Zinnemann

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-29734 LA
)
) LAURA DIAZ,) OAH No. L-2002110348
)
)
 _____)
 Respondent(s)

FILED
 DEC - 4 2002
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By [Signature]

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 JANUARY 27, 2003, 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 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: December 4, 2002

By [Signature]
 MARTHA J. ROSETT, Counsel

cc: Laura Diaz
 Thomas N. Jacobson, Esq.
 Trebor S. West, Inc.
 Sacto.
 OAH

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MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6914

FILED
OCT 18 2002
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-29734 LA
LAURA DIAZ,	<u>STATEMENT OF ISSUES</u>
Respondent.	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against LAURA DIAZ, aka Laura Gonzalez ("Respondent"), alleges in her official capacity as follows:

1.

On or about September 27, 2001, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, Respondent made application to the Department of Real Estate of the State of California ("Department") for a real estate salesperson license with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the California

1 Business and Professions Code.

2 2.

3 In response to Question 25 of said application, to wit:
4 "Have you ever been convicted of any violation of law?..."
5 Respondent answered "No".

6 3.

7 On or about June 15, 1992, in the San Bernardino County
8 Municipal Court, Ontario, State of California, in case number
9 MWV42865, Respondent was convicted of violating California Penal
10 Code Section 488 (theft), a crime of moral turpitude
11 substantially related to the qualifications, functions and duties
12 of a real estate licensee. Respondent was sentenced to twenty-
13 four months summary probation.

14 4.

15 Respondent's failure to reveal the conviction set forth
16 in Paragraph 3 constitutes an attempt to procure a real estate
17 license by misrepresentation or by making a material misstatement
18 of fact in an application for a real estate license, and is
19 grounds for denial of Respondent's application for a real estate
20 license pursuant to Business and Professions Code Sections 480(c)
21 and 10177(a).

22 5.

23 Respondent's conviction, as set forth in Paragraph 3,
24 constitutes grounds for denial of Respondent's application for a
25 real estate license pursuant to Business and Professions Code
26 Sections 480(a) and 10177(b).

27 //

1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent LAURA DIAZ and for such other and further
10 relief as may be proper under the law.

11 Dated at Los Angeles, California

12 this 17th day of October, 2002.

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15 
16 Deputy Real Estate Commissioner
17
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22

23 cc: Laura Diaz
24 Robert L. Ortiz, Trebor S. West, Inc.
25 Sacto.
26 Maria Suarez
27 EME