

FILED
MAY 15 2008
DEPARTMENT OF REAL ESTATE

[Handwritten Signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29858 LA
SANDRA JACQUELINE GUTIERREZ,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 8, 2003, a Decision was rendered herein denying the 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 June 22, 2003.

On May 4, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it

1 would not be against the public interest to issue said
2 license to Respondent.

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

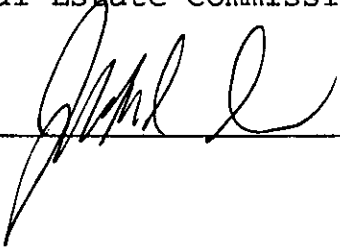
8 1. Submittal of a completed application and payment
9 of the fee for a real estate salesperson license.

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

15 This Order shall be effective immediately.

16 Dated: 4-30-68

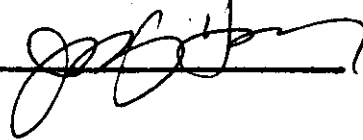
17
18
19 JEFF DAVI
Real Estate Commissioner

20
21 
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAY 13 2003

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

SANDRA JACQUELINE GUTIERREZ,

Respondent

)
) No. H- 29858 LA

)
) L-2003010781

)
) **STIPULATION AND**
) **WAIVER**

I, SANDRA JACQUELINE GUTIERREZ, 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 December 30, 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

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

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

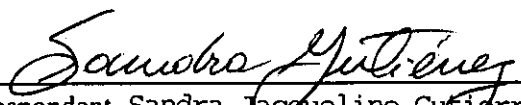
8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the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

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

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.
- 9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of two of the courses listed in Section
13 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
14 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
15 satisfactory evidence of successful completion of the two required courses, the restricted license
16 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
17 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
18 submitted the required evidence of course completion and the Commissioner has given written
19 notice to me of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years
23 after the date of the issuance of the preceding restricted license.

24 DATED this 23 day of April, 2003.

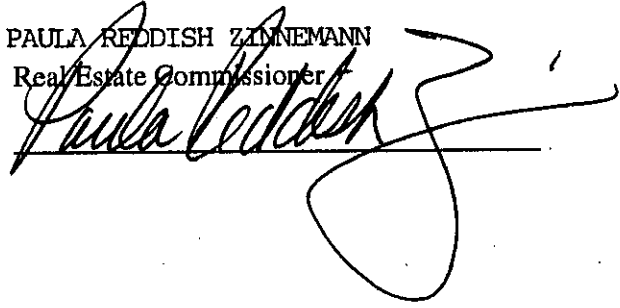
25 
26 Respondent Sandra Jacqueline Gutierrez

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent SANDRA JACQUELINE GUTIERREZ if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 8th day of May, 2013.

12 PAULA REDDISH ZINNEMANN
13 Real Estate Commissioner
14 

50270

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-29858 LA
)
) **SANDRA JACQUELINE GUTIERREZ,**) OAH No. L-2003010781
)
 _____)
 Respondent(s)

FILED
 FEB 20 2003
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

By 

To the above-named Respondent(s):

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 WEDNESDAY, MAY 14, 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: February 20, 2003

By 
 MARY E. WORK, Counsel

cc: Sandra Jacqueline Gutierrez
 Philip Bouchereau
 Sacto.
 OAH


59270

MARY E. WORK, Counsel
State Bar No. 175887
Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982
-Direct- (213) 576-6916

FILED
DEC 30 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
SANDRA JACQUELINE GUTIERREZ,)	NO. H- 29858 LA
Respondent.)	<u>STATEMENT OF ISSUES</u>

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against SANDRA JACQUELINE GUTIERREZ (hereinafter "Respondent") is informed and alleges in her official capacity as follows:

I

On or about April 22, 2002, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

In response to Question 25 of said application, to wit:
"HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense." Respondent answered "No."

III

On or about October 21, 1987, in the Municipal Court of Downey Judicial District, County of Los Angeles, State of California, in case number 87M08531, Respondent was convicted of a violating Section 484 of the Penal Code (Theft), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's failure to disclose the conviction set forth herein, above, in said application, constitutes the attempted procurement of a real estate license by misrepresentation, fraud or deceit or by making a material misstatement of fact in said application which is cause for denial of issuance of a license to an applicant under Sections 475(a)(1), 480(c) and 10177(a) of the California Business and Professions Code.

V

Further, the crime for which Respondent was convicted,

1 as described above, constitutes cause for denial of his
2 application for a real estate license under Sections 475(a)(2),
3 480(a)(1) and, as to the crime described in Paragraph III above,
4 includes 10177(b) of the California Business and Professions
5 Code.

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

10 WHEREFORE, the Complainant prays that the above-
11 entitled matter be set for hearing and, upon proof of the
12 charges contained herein, that the Commissioner refuse to
13 authorize the issuance of, and deny the issuance of a real
14 estate license to Respondent, SANDRA JACQUELINE GUTIERREZ, and
15 for such other and further relief as may be proper in the
16 premises.

17 Dated at Los Angeles, California

18 this 20th day of December, 2002.

19
20 
21 _____
22 MARIA SUAREZ
23 DEPUTY REAL ESTATE COMMISSIONER

24 cc: Sandra Jacqueline Gutierrez
25 Phillip Bouchereau
26 Maria Suarez
27 SACTO
AW