

Lucio Gian

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FILED
MAR - 6 2007
DEPARTMENT OF REAL ESTATE

By *K. Niederholt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29916 LA
)
FLAVIO LUCIEN GIAN FLORENZ FIUMERODO,)
)
Respondent.)
)

ORDER GRANTING UNRESTRICTED LICENSE

On February 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.

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1 On or about February 6, 2006, Respondent petitioned
2 for the removal of restrictions attaching to Respondent's real
3 estate salesperson license.

4 I have considered the petition of Respondent and
5 the 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
9 would not be against the public interest to issue said license
10 to Respondent.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 petition for removal of restrictions is granted and that a
13 real estate salesperson license be issued to him subject to
14 the following understanding and conditions:

15 1. The license issued pursuant to this Order shall
16 be deemed to be the first renewal of Respondent's real estate
17 salesperson license for the purpose of applying the provisions
18 of Section 10153.4.

19 2. Within nine (9) months from the date of this
20 Order Respondent shall:

21 (a) Submit a completed application and pay the
22 appropriate fee for a real estate salesperson license, and

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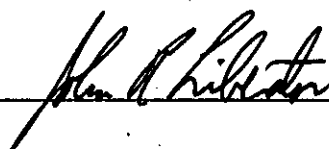
1 (b) Submit evidence of having taken and successfully
2 completed the courses specified in subdivisions (a) (1),
3 (2), (3) and (4) of Section 10170.5 of the Real Estate
4 Law for renewal of a real estate license.

5
6 3. Upon renewal of the license issued pursuant to
7 this Order, Respondent shall submit evidence of having taken
8 and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
10 for renewal of a real estate license.

11 This Order shall be effective immediately.

12 Dated: February 26, 2007

13
14 JEFF DAVI
15 Real Estate Commissioner

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19
20 BY: John R. Liberator
21 Chief Deputy Commissioner

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23
24 cc: Flavio Fiumerodo
25 11 Dorritt Court
26 Newbury Park, CA 91320
27 699 Hampshire Road, # 100.
Westlake Village, CA 91361

FILED
FEB 26 2003
DEPARTMENT OF REAL ESTATE

By R. Mederholt

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**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

<i>In the Matter of the Application of</i>)	No. H- 29916 LA
)	
FLAVIO LUCIEN GIAN FLORENZ FIUMERODO,)	STIPULATION AND
)	WAIVER
Respondent)	

I, FLAVIO LUCIEN GIAN FLORENZ FIUMERODO, 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 January 28, 2003, 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.
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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 XDATED this 2/2/03 day of February, 2003.
25 2ND

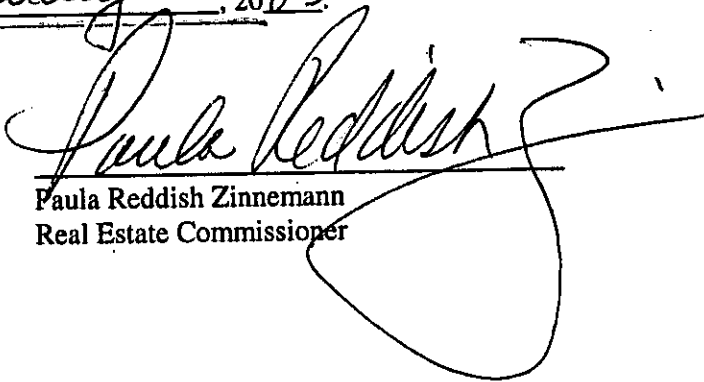
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27 FLAVIO FIUMERODO, Respondent

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 FLAVIO LUCIEN GIAN FLORENZ FIUMERDO if respondent has otherwise fulfilled all of
7 the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted
8 as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 2nd day of February, 2003.

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Paula Reddish Zinnemann
Real Estate Commissioner

Suzanne

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

FILED
JAN 28 2003
DEPARTMENT OF REAL ESTATE

By *K. Knecht*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-29916 LA
12 FLAVIO LUCIEN GIAN FLORENZ FIUMERODO,)	<u>STATEMENT OF ISSUES</u>
13 Respondent.)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against FLAVIO LUCIEN GIAN FLORENZ FIUMERODO aka Flavio Fuimerodo
18 (respondent) is informed and alleges in her official capacity as
19 follows:

20 1.

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about May 1, 2002, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to Section 10153.4(c) under the Real
26

1 Estate Law (Part 1 of Division 4 of the California Business and
2 Professions Code) (Code).

3 2.

4 On March 2, 1995, in the California Superior Court,
5 County of Ventura, State of California, respondent was convicted
6 upon a guilty plea to violating one count of California Health
7 and Safety Section 11359 (possession of marijuana for sale), a
8 felony. This crime, by its facts and circumstances, involves
9 moral turpitude and is substantially related under Section 2910,
10 Title 10, Chapter 6 of the California Code of Regulations, to the
11 qualifications, functions or duties of a real estate licensee.
12 This crime was dismissed pursuant to Penal Code Section 1203.4 on
13 May 15, 1998.
14

15 3.

16 This crime constitutes cause for denial of respondent's
17 application for a real estate license under Sections 480(a) and
18 10177(b) of the Code.

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

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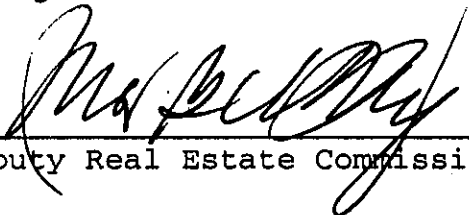
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent FLAVIO LUCIEN GIAN FLORENZ FIUMERODO, and
6 for such other and further relief as may be proper in the
7 premises.

8 Dated at Los Angeles, California

9 this *2/5th* day of *January* 2003.

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13 Deputy Real Estate Commissioner
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24 cc: Flavio Lucien Gian Florenz Fiumerodo
25 Maria Suarez
26 Sacto
27 JN