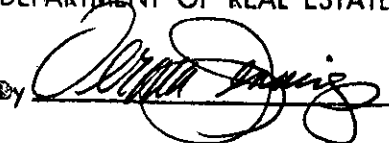


1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
MAR 30 2004
DEPARTMENT OF REAL ESTATE
By 

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 FRANCISCO GUILLERMO HERNANDEZ,

12
13 Respondent

)
) No. H- 30632 LA
)
)

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

14
15 It is hereby stipulated by and between FRANCISCO GUILLERMO HERNANDEZ (hereinafter
16 "Respondent") and Respondent's attorney, James E. Bachor, and the Complainant, acting by and through
17 James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and
18 disposing of the Statement of Issues filed on January 21, 2004, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate broker license. Respondent understands that the Real Estate Commissioner may
22 hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver.
25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate broker license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate broker license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate broker license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

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

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

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

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2-24-04

Dated

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

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 his 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.

2/19/2004

Dated

Francisco G. Hernandez
FRANCISCO GUILLERMO HERNANDEZ, Respondent

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

2/19/2004

Dated

James E. Bachor
JAMES E. BACHOR, Attorney for Respondent

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

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

This Order is effective immediately.

IT IS SO ORDERED March 25, 2004



JOHN R. LIBERATOR
Acting Real Estate Commissioner

Sally Ray

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JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

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

FILED
JAN 21 2004
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-30632 LA
) STATEMENT OF ISSUES
FRANCISCO GUILLERMO HERNANDEZ,)
) Respondent.)

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

I

On or about May 1, 2003, Respondent applied to the Department of Real Estate of the State of California for a real estate broker license.

1 II

2 On or about June 17, 2003, in the Superior Court of
3 California, County of Los Angeles, Respondent was convicted of
4 violating Vehicle Code Section 23152(b) (driving with a blood
5 alcohol 0.08% or higher), a crime involving moral turpitude and
6 substantially related to the qualifications, functions or duties
7 of a real estate licensee.

8 III

9 On or about January 2, 1996, in the Municipal Court of
10 California, County of Los Angeles, Respondent was convicted of
11 violating Vehicle Code Section 23152(a) (driving under the
12 influence of alcohol), a crime involving moral turpitude and
13 substantially related to the qualifications, functions, or duties
14 of a real estate licensee.

15 IV

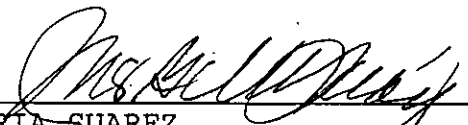
16 The matters described in Paragraphs II and III,
17 constitute cause for denial of Respondent's application for a
18 real estate broker license under Sections 480(a) and 10177(b) of
19 the California Business and Professions Code.

20
21 The Statement of Issues is brought under the provisions
22 of Section 10100, Division 4 of the Business and Professions Code
23 of the State of California and Sections 11500 through 11528 of
24 the Government Code.

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 FRANCISCO GUILLERMO HERNANDEZ and for such
6 other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California,

8 this 7th day of January 2004.

9
10 
11 MARIA SUAREZ
12 Deputy Real Estate Commissioner

13 cc: Francisco Guillermo Hernandez
14 Maria Suarez
15 Sacto.
16 TS
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