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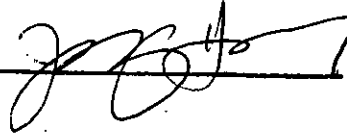
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Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED
MAY 12 2004

DEPARTMENT OF REAL ESTATE

By 

**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

LEONARD OCTAVIO BARRALES,

Respondent

)
) No. H- 30656 LA
) L-2004030225

)
) **STIPULATION AND
) WAIVER**

I, LEONARD OCTAVIO BARRALES, 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 22, 2004, 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 he may in his 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 requests that the Real Estate Commissioner in his 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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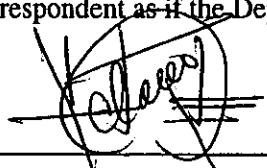
- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker 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 Respondent 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, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 4/17/04

4 Dated



LEONARD OCTAVIO BARRALES, Respondent

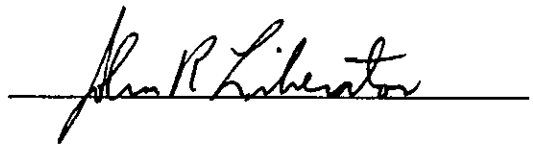
5 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
6 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
7 truthfulness of respondent need not be called and that it will not be inimical to the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

9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
10 respondent LEONARD OCTAVIO BARRALES if respondent has otherwise fulfilled all of the statutory
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
12 the foregoing Stipulation and Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED May 10, 2004

16 JOHN R. LIBERATOR
17 Acting Real Estate Commissioner



SACTO

BEFORE THE DEPARTMENT OF REAL ESTATE


STATE OF CALIFORNIA

In the Matter of the Application of) Case No. **H-30656 LA**
)
LEONARD OCTAVIO BARRALES,) OAH No. L-2004030225
)
)
 _____)
 Respondent (s)

FILED
 MAR 17 2004
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By 

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, APRIL 14, 2004, 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: March 17, 2004

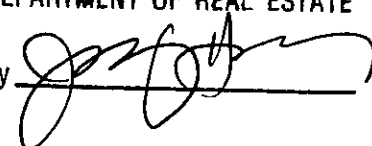
By 

 DARLENE AVERETTA
 Assistant Chief Counsel

cc: Leonard O. Barrales
 Sacto.
 OAH

SACTO

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FILED
JAN 22 2004
DEPARTMENT OF REAL ESTATE
By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of) No. H-30656LA
12 LEONARD OCTAVIO BARRALES,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against LEONARD OCTAVIO BARRALES (hereinafter "Respondent"), is
18 informed and alleges as follows:
19

20 I

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in her official capacity.

24 II

25 On or about October 24, 2002, Respondent applied to the
26 Department of Real Estate of the State of California (hereinafter
27 "Department") for a real estate salesperson license with the

1 knowledge and understanding that any license issued would be
2 subject to the conditions of Section 10153.4 of the Business and
3 Professions Code (hereinafter "Code").

4 III

5 In response to Question 25 of said application, to wit;
6 "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
7 Convictions expunged under Penal Code Section 1203.4 must be
8 disclosed. However, you may omit minor traffic citations which
9 do not constitute a misdemeanor or felony offense," Respondent
10 answered "Yes" and provided information about one of the two
11 criminal convictions of his record.

12 IV

13 On or about March 31, 1992, in the Municipal Court of
14 Los Angeles - Van Nuys Judicial District, County of Los Angeles,
15 State of California, in Case No. LA009926, Respondent, upon his
16 plea nolo contendere, was convicted of violating Section 476 of
17 the Penal Code (Make/Pass Fictitious Check), a misdemeanor crime
18 of moral turpitude that is substantially related under Section
19 2910, Title 10, California Code of Regulations to the
20 qualifications, functions or duties of a real estate licensee.
21 Respondent revealed this conviction in his application for a real
22 estate salesperson license.

23 V

24 On or about September 11, 2001, in the Superior Court
25 of California, County of San Bernardino - Rancho Cucamonga
26 District, Respondent, upon his plea of guilty, was convicted of
27 violating Vehicle Code Sections 23152(a)&(b) (Driving While Under

1 the Influence) both misdemeanor crimes that are substantially
2 related under Section 2910, Title 10, California Code of
3 Regulations to the qualifications, functions or duties of a real
4 estate licensee. Respondent failed to reveal this conviction on
5 his application for a real estate salesperson license.

6
7 FIRST CAUSE OF ACTION
(FAILURE TO REVEAL CRIMINAL CONVICTION)

8 VI

9 Respondent's failure to disclose the conviction set
10 forth in Paragraph V, above, in said application, constitutes the
11 attempted procurement of a real estate license by
12 misrepresentation, fraud or deceit or by making an material
13 misstatement of fact in an application which is cause for denial
14 of issuance of a license to an applicant under Sections
15 475(a)(1), 480(c) and 10177(a) of the California Business and
16 Professions Code (hereinafter "Code").

17
18 SECOND CAUSE OF ACTION
(CRIMINAL CONVICTION)

19 VII

20 Further, the above crimes that Respondent has been
21 convicted of, constitute cause for denial of his application
22 under Section 475(a)(2), 480(a) and 10177(b) of the Code.

23 WHEREFORE, Complainant prays that a hearing be
24 conducted on the allegations of this Statement of Issues and that
25 upon proof thereof, that the Commissioner refuse to authorize the
26 issuance of, and deny the issuance of a real estate license to
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1 Respondent, LEONARD OCTAVIO BARRALES, and for such other and
2 further relief as may proper in the premises.

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MARIA SUAREZ
Deputy Real Estate Commissioner

Dated at Los Angeles, California,
this 2nd day of January, 2004.

cc: Leonard Octavio Barrales
Maria Suarez
SACTO
TF