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DEC 27 2010  
DEPARTMENT OF REAL ESTATE  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-30830 LA
	)	
JAVIER NOAH PEREZ,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On June 30, 2004, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 July 24, 2004, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about December 16, 2008, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments 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

1 salesperson license and that it would not be against the public interest to issue said license to  
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal  
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if  
5 Respondent satisfies the following requirements:

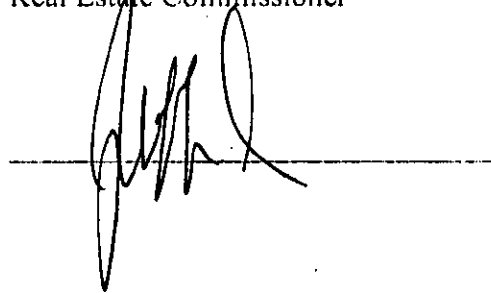
- 6
- 7 1. Submits a completed application and pays the fee for a real estate salesperson  
8 license within the 12 month period following the date of this Order; and
  - 9 2. Submits proof that Respondent has completed the continuing education  
10 requirements for renewal of the license sought. The continuing education courses must be  
11 completed either (i) within the 12 month period preceding the filing of the completed application,  
12 or (ii) within the 12 month period following the date of this Order.

13 This Order shall be effective immediately.

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15 Dated: 6/30/200

16 JEFF DAVI  
17 Real Estate Commissioner

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*Secrets  
file*

**FILED**  
JUL 13 2004  
DEPARTMENT OF REAL ESTATE

By *James B. Quinn*

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

**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

10 *In the Matter of the Application of*  
11 **JAVIER NOAH PEREZ,**

)  
) No. H- 30830 LA  
)  
)  
) **STIPULATION AND**  
) **WAIVER**  
)  
)  
)  
)

Respondent )  
14 )

15 I, JAVIER NOAH PEREZ, respondent herein, do hereby affirm that I have applied to the Department of  
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of  
17 the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
19 filed by the Department of Real Estate on April 7, 2004, in connection with my application for a real estate  
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
23 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
25 showing that I meet all the requirements for issuance of a real estate salesperson license. I further  
26 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate  
27

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 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.

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

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

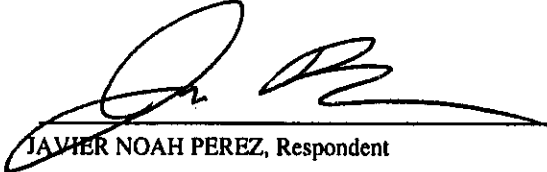
- 13 1. The license shall not confer any property right in the privileges to be exercised including the  
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
15 to exercise any privileges granted under this restricted license in the event of:
  - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 18 b. The receipt of evidence that respondent has violated provisions of the California Real  
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license  
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I  
25 shall submit a statement signed by the prospective employing broker on a form approved by the  
26 Department of Real Estate wherein the employing broker shall certify as follows:  
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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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.

6/15/04  
Dated

  
JAVIER NOAH PEREZ, Respondent

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

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

11 This Order is effective immediately.

12 IT IS SO ORDERED June 30, 2004.

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15 JOHN R. LIBERATOR  
16 Acting Real Estate Commissioner  
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*Sacto Day*

**FILED**  
JUN 17 2004  
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

By *Jana B. Am*

*In the Matter of the Application of*

JAVIER N. PEREZ,

}  
}

Case No. H-30830 LA

OAH No. L-2004050143

*Respondent*

**NOTICE OF HEARING ON APPLICATION**

**To the above named respondent:**

**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, California 90013 on **JULY 7, 2004**, at the hour of **10:00 a.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: June 17, 2004

By *CHRIS LEONG*  
*CHRIS LEONG, Counsel*

cc: Javier Noah Perez  
Diamond Hills Investment, Inc.  
Sacto, OAH

*Sacto  
per*

**FILED**  
APR 7 2004  
DEPARTMENT OF REAL ESTATE

1 CHRIS LEONG, Counsel  
2 State Bar No. 141079  
3 Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)

By *Laura B. Olan*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
JAVIER NOAH PEREZ, ) NO. H- 30830 LA  
Respondent. ) STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JAVIER NOAH PEREZ, ("Respondent") alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about December 18, 2002.

II

Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity.

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CONVICTIONS

III

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3           On or about July 25, 1996, in the Municipal Court,  
4 North Orange County Judicial District, County of Orange, State of  
5 California, Case No. 96NM03391, Respondent was convicted of  
6 violating Section 422 of the California Penal Code (PC)  
7 (Terrorist threats) and Section 12031(A) PC (Carry loaded firearm  
8 in a vehicle) crimes involving moral turpitude which are  
9 substantially related to the qualifications, functions and duties  
10 of a real estate licensee. Subsequently, this case was expunged  
11 under Section 1203.4 PC.

IV

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13           On or about February 26, 1997, in the Municipal Court,  
14 North Orange County Judicial District, County of Orange, State of  
15 California, Case No. AN97NS0243, Respondent was convicted of  
16 violating Section 23152(a) of the California Vehicle Code (VC)  
17 (DUI), a crime involving moral turpitude which is substantially  
18 related to the qualifications, functions and duties of a real  
19 estate licensee.

V

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21           On or about October 16, 1998, in the Superior Court of  
22 California, County of Orange, North Justice Center, State of  
23 California, Case No. CH98NS2846, Respondent was convicted of  
24 violating Section 23152(a) VC (DUI), a crime involving moral  
25 turpitude which is substantially related to the qualifications,  
26 functions and duties of a real estate licensee.

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VI

1 On or about July 15, 1999, in the Superior Court of  
2 California, County of Orange, North Justice Center, State of  
3 California, Case No. FU99NM08290, Respondent was convicted of  
4 violating Section 14601.1A VC (Driving while knowing license  
5 suspended), a crime involving moral turpitude which is  
6 substantially related to the qualifications, functions and duties  
7 of a real estate licensee. Respondent served 30 days in jail for  
8 this offense, was sentenced to 3 years probation and was required  
9 to pay a fine of \$911.00.

10  
11 FAILURE TO REVEAL

12 VII

13 On said application, in response to Question 25, "Have  
14 you ever been convicted of any violation of law?", Respondent  
15 answered "Yes". In response to Question 27, "Detailed  
16 explanation of items 24-26. Complete one line for each  
17 violation..." Respondent failed to reveal the 1999 conviction.

18 VIII

19 Respondent's convictions and failure to reveal the  
20 conviction, as set forth above, are cause to deny Respondent's  
21 real estate license application pursuant to Code Sections 480(a),  
22 480(c), 10177(a) and 10177(b).

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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, JAVIER NOAH PEREZ, and for such other and  
10 further relief as may be proper in the premises.

11 Dated at Los Angeles, California

12 This 5<sup>th</sup> day of April, 2004

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15 Deputy Real Estate Commissioner

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23  
24 cc: Javier Noah Perez  
25 Diamond Hills Investment, Inc./Asif G. Musavvir  
26 Maria Suarez  
27 Sacto.  
AE