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DEC 16 2004  
DEPARTMENT OF REAL ESTATE

Ry K. Mederholt

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| In the Matter of the Application of | ) | DRE No. H-30972 LA   |
| EDWIN JOEVANNI MORAN,               | ) | OAH No. L-2004070602 |
| Respondent.                         | ) |                      |
|                                     | ) | <u>STIPULATION</u>   |
|                                     | ) | <u>AND</u>           |
|                                     | ) | <u>WAIVER</u>        |
|                                     | ) |                      |

It is hereby stipulated by and between EDWIN JOEVANNI MORAN (hereinafter "Respondent") and his attorney, Frank M. Buda, Esq., and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on June 9, 2004 in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate

1 Commissioner may hold a hearing on this Statement of Issues for  
2 the purpose of requiring further proof of Respondent's honesty  
3 and truthfulness and to prove other allegations therein, or that  
4 he may in his discretion waive the hearing and grant Respondent a  
5 restricted real estate salesperson license based upon this  
6 Stipulation and Waiver. Respondent also understands that by  
7 filing the Statement of Issues in this matter the Real Estate  
8 Commissioner is shifting the burden to Respondent to make a  
9 satisfactory showing that Respondent meet all the requirements  
10 for issuance of a real estate salesperson license. Respondent  
11 further understands that by entering into this stipulation and  
12 waiver Respondent will be stipulating that the Real Estate  
13 Commissioner has found that Respondent has failed to make such  
14 a showing, thereby justifying the denial of the issuance to  
15 Respondent of an unrestricted real estate salesperson license.

16 B. Respondent hereby admits that the allegations of  
17 the Statement of Issues filed against Respondent are true and  
18 correct and requests that the Real Estate Commissioner in his  
19 discretion issue a restricted real estate salesperson license to  
20 Respondent under the authority of Section 10156.5 of the Business  
21 and Professions Code.

22 C. Respondent is aware that by signing this  
23 Stipulation and Waiver, Respondent is waiving Respondent's right  
24 to a hearing and the opportunity to present evidence at the  
25 hearing to establish Respondent's rehabilitation in order to  
26 obtain an unrestricted real estate salesperson license if this  
27

1 Stipulation and Waiver is accepted by the Real Estate  
2 Commissioner. However, Respondent is not waiving Respondent's  
3 right to a hearing and to further proceedings to obtain a  
4 restricted or unrestricted license if this Stipulation and Waiver  
5 is not accepted by the Commissioner.

6 D. Respondent further understands that the following  
7 conditions, limitations, and restrictions will attach to a  
8 restricted license issued by the Department of Real Estate  
9 pursuant hereto:

10 1. The license shall not confer any property right in  
11 the privileges to be exercised including the right of renewal,  
12 and the Real Estate Commissioner may by appropriate order suspend  
13 the right to exercise any privileges granted under this  
14 restricted license in the event of:

15 a. The conviction of Respondent (including a plea of  
16 nolo contendere) to a crime which bears a substantial  
17 relationship to Respondent's fitness or capacity as a real estate  
18 licensee; or

19 b. The receipt of evidence that Respondent has  
20 violated provisions of the California Real Estate Law, the  
21 Subdivided Lands Law, Regulations of the Real Estate  
22 Commissioner, or conditions attaching to this restricted license.

23 2. Respondent shall not be eligible to apply for the  
24 issuance of an unrestricted real estate license nor the removal  
25 of any of the conditions, limitations or restrictions attaching  
26 to the restricted license until two (2) years have elapsed from  
27 the date of issuance of the restricted license to Respondent.

1                   3. With the application for license, or with the  
2 application for transfer to a new employing broker, Respondent  
3 shall submit a statement signed by the prospective employing  
4 broker on a form approved by the Department of Real Estate  
5 wherein the employing broker shall certify as follows:

6                   a. That broker has read the Statement of Issues which  
7 is the basis for the issuance of the restricted license; and

8                   b. That broker will carefully review all transaction  
9 documents prepared by the restricted licensee and otherwise  
10 exercise close supervision over the licensee's performance of  
11 acts for which a license is required.

12                   4. Respondent's restricted real estate salesperson  
13 license is issued subject to the requirements of Section 10153.4  
14 of the Business and Professions Code, to wit: Respondent is  
15 required, within eighteen (18) months of the issuance of the  
16 restricted license, to submit evidence satisfactory to the  
17 Commissioner of successful completion, at an accredited  
18 institution, of two of the courses listed in Section 10153.2,  
19 other than real estate principles, advanced legal aspects of real  
20 estate, advanced real estate finance, or advanced real estate  
21 appraisal. If Respondent fails to timely present to the  
22 Department satisfactory evidence of successful completion of the  
23 two required courses, the restricted license shall be  
24 automatically suspended effective eighteen (18) months after the  
25 date of its issuance. Said suspension shall not be lifted  
26 unless, prior to the expiration of the restricted license,  
27 Respondent has submitted the required evidence of course



1 \* \* \*

2 I have read the Stipulation and Waiver and have  
3 discussed it with my counsel. Its terms are understood by me  
4 and are agreeable and acceptable to me. I understand that I am  
5 waiving rights given to me by the California Administrative  
6 Procedure Act (including but not limited to Sections 11506,  
7 11508, 11509, and 11513 of the Government Code), and I  
8 willingly, intelligently, and voluntarily waive those rights,  
9 including the right of a hearing on the Statement of Issues at  
10 which I would have the right to cross-examine witnesses against  
11 me and to present evidence in defense and mitigation of the  
12 charges.

13 Respondent can signify acceptance and approval of the  
14 terms and conditions of this Stipulation and Wavier by faxing a  
15 copy of the signature page, as actually signed by Respondent,  
16 to Elliott Mac Lennan at the Department at fax number (213)  
17 576-6917. Respondent agrees, acknowledges and understands that  
18 by electronically sending to the Department a fax copy of his  
19 actual signature as it appears on the Stipulation and Waiver,  
20 that receipt of the faxed copy by the Department shall be as  
21 binding on Respondent as if the Department had received the  
22 original signed Stipulation and Waiver.

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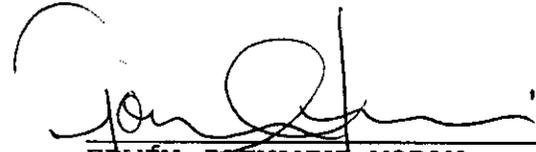
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9-17-04

DATED

  
EDWIN JOEVANNI MORAN  
Respondent

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

9-17-04

DATED

  
FRANK M. BUDA, ESQ.  
Attorney for Respondent

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 salesperson license be issued to Respondent, EDWIN JOEVANNI MORAN, 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 \_\_\_\_\_

JEFF DAVI  
Real Estate Commissioner

1  
2 DATED

EDWIN JOEVANNI MORAN  
Respondent

3  
4 I have reviewed the Stipulation and Agreement as to form and  
5 content and have advised my client accordingly.

6  
7 DATED

FRANK M. BUDA, ESQ.  
Attorney for Respondent

8  
9 I have read the Statement of Issues filed herein and  
10 the foregoing Stipulation and Waiver signed by Respondent. I am  
11 satisfied that the hearing for the purpose of requiring further  
12 proof as to the honesty and truthfulness of Respondent need not  
13 be called and that it will not be inimical to the public interest  
14 to issue a restricted real estate salesperson license to  
15 Respondent.

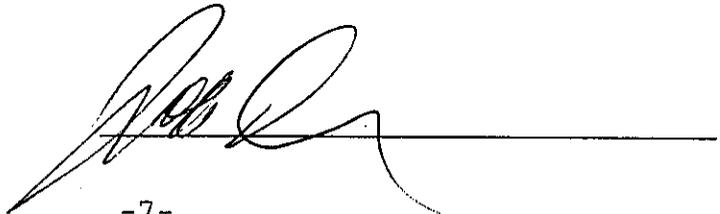
16 Therefore, IT IS HEREBY ORDERED that a restricted real  
17 estate salesperson license be issued to Respondent, EDWIN  
18 JOEVANNI MORAN, if Respondent has otherwise fulfilled all of the  
19 statutory requirements for licensure. The restricted license  
20 shall be limited, conditioned, and restricted as specified in the  
21 foregoing Stipulation and Waiver.

22 This Order is effective immediately.

23 IT IS SO ORDERED

December 14, 2007.

24 JEFF DAVI  
25 Estate Commissioner

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*Handwritten initials/signature*

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

**FILED**  
AUG - 9 2004  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

EDWIN JOEVANNI MORAN,

By *K. Mederholt*

Case No. H-30972 LA

OAH No. L-2004070602

} (Large bracket grouping the signature and case numbers)

*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 320 W. Fourth Street, Ste. 630, Los Angeles, California on September 17, 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: AUG - 9 2004

By *E. L. MacLennan*  
ELLIOTT MAC LENNAN, Counsel

cc: Edwin Jiovanni Moran  
Your Home Real Estate Inc.  
Frank M. Buda, Esq. /Sacto/OAH/TF

*Handwritten initials*

ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)  
-or- (213) 576-6982 (office)

**FILED**  
JUN - 9 2004  
DEPARTMENT OF REAL ESTATE

By *R. Waddell*

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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-30972 LA             |
| EDWIN JOEVANNI MORAN,               | ) | <u>STATEMENT OF ISSUES</u> |
| Respondent.                         | ) |                            |

The Complainant, Janice Waddell, Deputy Real Estate Commissioner of the State of California, for Statement of Issues against EDWIN JOEVANNI MORAN aka Edwin Moran aka Joevanni Moran aka Joe Moran (respondent) is informed and alleges in her official capacity as follows:

1.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about April 7, 2003, subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code) with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4

1 California Business and Professions Code) (Code).

2 2.

3 On April 25, 2001, in the Municipal Court of Whittier  
4 Judicial District, County of Los Angeles, respondent was  
5 convicted upon a guilty plea to one count of California Vehicle  
6 Code Section 23152(b) (DUI 0.8.% blood level- with prior Vehicle  
7 Code Section 23103 reckless driving involving alcohol on November  
8 5, 1999), a misdemeanor. This crime by its facts and  
9 circumstances is substantially related under Section 2910(a)(11),  
10 Chapter 6, Title 10 of the California Code of Regulations, to the  
11 qualifications, functions or duties of a real estate licensee.

12 3.

13 On October 1, 1997, in the Municipal Court of Downey  
14 Judicial District, County of Los Angeles, State of California,  
15 respondent was convicted upon a plea of nolo contendere to one  
16 count each of the followings misdemeanor crimes:

17 1. Vehicle Code Section 23103 (reckless driving  
18 involving alcohol)

19 2. Vehicle Section 14601.1(a) (drive with suspended  
20 license)

21 3. Vehicle Section 20002(a) (hit and run)

22 4. Penal Section 853.7 (violation of promise to appear  
23 as misdemeanor.  
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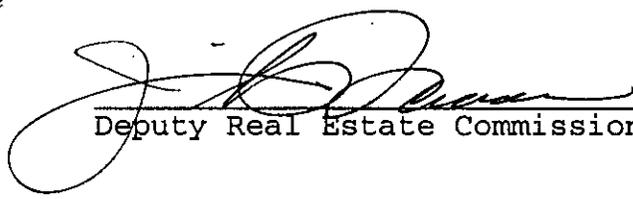
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WHEREFORE, Complainant prays that the above-entitled matter be set for hearing and, that upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent EDWIN JOEVANNI MORAN and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California  
this *May 27, 2004*

  
Deputy Real Estate Commissioner

cc: Edwin Joevanni Moran  
Your Home Team Real Estate Inc./Alvin L. Mullins  
Sacto  
Maria Suarez  
TF