

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED
AUG - 5 2005
DEPARTMENT OF REAL ESTATE

By K. H. Delaholm

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

9
10 *In the Matter of the Application of*

11
12 **STEPHEN RUBEN FRAGOSA,**

13
14 Respondent

)
) No. H- 31015 LA
)
)

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

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

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on June 22, 2004, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he/she may in his/her discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 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/her discretion issue a restricted real estate salesperson
5 license to me under the authority of Section 10156.5 of the Business and Professions Code. I understand
6 that any such restricted license will be issued subject to and be limited by Section 10153.4 of the Business
7 and 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.
26
27

- 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 6/10/05
4 Dated

5 Stephen Ruben Fragos
6 STEPHEN RUBEN FRAGOSA, Respondent

7 ***

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

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
13 respondent STEPHEN RUBEN FRAGOSA if respondent has otherwise fulfilled all of the statutory
14 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
15 the foregoing Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED 8-11-05

18 Jeff Davi
19 JEFF DAVI
20 Real Estate Commissioner

*facto
2/18*

FILED
JUN 22 2004
DEPARTMENT OF REAL ESTATE

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)

By *K. Niederhals*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-31015 LA
STEPHEN RUBEN FRAGOSA,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against STEPHEN RUBEN FRAGOSA (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 3, 2003, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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2.

In response to Question 25 of said license application, to wit: "Have you ever been convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense." Respondent checked the box denoting "No". Respondent failed to disclose the convictions set forth below.

3.

On September 6, 1989, in the Superior Court of California, County of Orange, respondent was convicted upon a plea to one count of Penal Code Section 12020(a) (manufacture, import, keep for sale, possess short-barrel shotgun), and to one count of Health and Safety Code Section 11350 (possession of cocaine), felonies.

4.

On February 23, 1972, in the Superior Court of California, County of Los Angeles,, respondent was convicted upon a plea to one count of Penal Code Section 217 (assault with deadly weapon with intent to murder), a felony.

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1 5.

2 The Penal Code Sections 217 and 12020(a) crimes, by
3 their facts and circumstances, involve moral turpitude and are
4 substantially related under Section 2910(a)(8) of Title 10,
5 Chapter 6, of the California Code of Regulations, to the
6 qualifications, functions or duties of a real estate licensee.
7

8 6.

9 The Penal Code Sections 217 and 12020(a) crimes
10 constitute cause for denial of Respondent's application for a
11 real estate license under Sections 480(a) and/or 10177(b) of the
12 Code.

13 7.

14 Respondent's failure to reveal the convictions above,
15 constitutes an attempt to procure a real estate license by fraud,
16 misrepresentation or deceit or by knowingly making a false
17 statement of fact on his application required to be revealed in
18 the application for such license, which is cause for denial of
19 respondent's application for a real estate salesperson's license
20 under Business and Professions Code Sections 475(a), 480(c)
21 and/or 10177(a).
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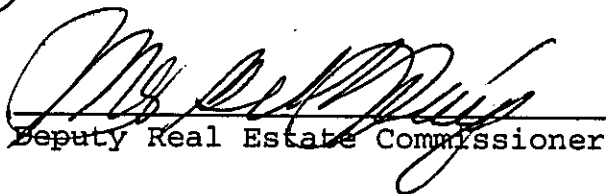
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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the California Business and
3 Professions Code and Sections 11500 through 11529 of the
4 California Government Code.

5 WHEREFORE, the Complainant prays that above-entitled
6 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 STEPHEN RUBEN FRAGOSA, and for such other
10 and further relief as may be proper in the premises.

11 Dated at Los Angeles, California

12 this *10th day of June 2004*
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16 Deputy Real Estate Commissioner
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20
21

22 cc: Stephen Ruben Fragosa
23 First State Financial Corporation/David Anthony Stoll
24 Maria Suarez
25 Sacto
26 TF
27