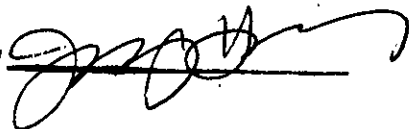


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Department of Real Estate  
320 W. 4th Street, Suite 350  
Los Angeles, CA 90013-1105  
Telephone: (213) 576-6982

**FILED**  
SEP 24 2004  
DEPARTMENT OF REAL ESTATE

By 

**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

*In the Matter of the Application of*

FELIZ DAO,

Respondent

)  
) No. H- 31069 LA  
) L-2004080305  
)  
) **STIPULATION AND**  
) **WAIVER**  
)  
)  
)

I, FELIZ DAO, 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 July 15, 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 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:  
27

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

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

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
8 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
9 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt  
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received  
11 the original signed Stipulation and Waiver.

12  
13 9/22/2004

14 Dated



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FELIZ DAO, 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 salesperson license be issued to respondent FELIZ DAO 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

September 23, 2004

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

M. Dolores Weeks

By: M. DOLORES WEEKS  
Regional Manager

58710  
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of ) Case No. H-31069 LA  
)  
FELIZ DAO, ) OAH No. L-2004080305  
)  
\_\_\_\_\_) Respondent

**FILED**  
SEP 09 2004  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

By [Signature]

To the above-named Respondent(s):

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, OCTOBER 27, 2004, at the hour of 9:00 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: September 9, 2004

By [Signature]  
ELVIN K. LEE, Counsel

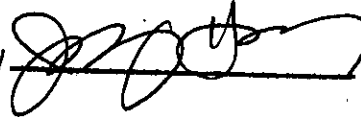
cc: Feliz Dao  
Sacto.  
OAH

50710  
KELVIN K. LEE, Real Estate Counsel (SBN 152867)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6905

**FILED**  
JUL 15 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| In the Matter of the Application of | ) | NO. H-31069 1A             |
|                                     | ) |                            |
| FELIZ DAO,                          | ) | <u>STATEMENT OF ISSUES</u> |
|                                     | ) |                            |
| Respondent.                         | ) |                            |
|                                     | ) |                            |

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against FELIZ DAO, ("Respondent"), is informed and alleges as follows:

I

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

II

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about March 17, 2004.

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III.

(CRIMINAL CONVICTIONS)

On or about December 2, 1991 in the Municipal Court for the County of Los Angeles, State of California, in Case No. 91M05734, Respondent FELIZ DAO, was convicted of one (1) count of violating California Penal Code ("Penal Code") Section 273.5, subdivision (a) (Inflicting Corporal Injury Upon a Spouse.). This is a crime involving moral turpitude which is substantially related under Title 10, Chapter 6, Section 2910, subdivisions (a)(8), (a)(10) and (a)(11), California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged herein above in Paragraphs III, constitutes cause for denial of Respondent's application for a real estate license under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

V

(FAILURE TO REVEAL CONVICTIONS)

In response to Question 25 of his 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 answered "No", and failed to reveal the conviction described above in Paragraph III.

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VI

Respondent's failure to reveal the conviction set forth herein in Paragraph III, above, in his license application, constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480((c), and/or 10177(a).

The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Profession Code of the State of California and Sections 11500 through 11528 of the Government Code.

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1 WHEREFORE, Complainant prays that the above entitled  
2 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, FELIZ DAO, and for such other and further  
6 relief as may be proper under other provisions of law.

7 Dated at Los Angeles, California

8 this 14th day of July, 2004.

9  
10   
11 Maria Suarez  
Deputy Real Estate Commissioner

12 cc: FELIZ DAO  
13 Maria Suarez  
14 Sacto.  
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