

**Telephone: (213) 576-6982**

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

By Laura B. Allen

***In the Matter of the Application of***

**No. H- 31199 LA**

## STIPULATION AND WAIVER

Respondent

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 August 20, 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.  
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 a course in real estate practices and one of  
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15 present to the Department satisfactory evidence of successful completion of the two required  
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18 the restricted license, I have submitted the required evidence of course completion and the  
19 Commissioner has given written 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 her 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 8-25-2004

4 Dated

Linda Marie Martinez  
LINDA MARIE MARTINEZ, Respondent

5 \* \* \*

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

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

14 This Order is effective immediately.

15 IT IS SO ORDERED Sept. 8, 2004

16 John R. Liberator  
JOHN R. LIBERATOR  
17 Acting Real Estate Commissioner  
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*Sacks*

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**FILED**  
AUG 20 2004  
DEPARTMENT OF REAL ESTATE

By *Laura B. Shaw*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
LINDA MARIE MARTINEZ, ) No. H-31199 LA  
Respondent. ) STATEMENT OF ISSUES

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against LINDA MARIE MARTINEZ, aka Linda Enriquez, Linda Marie Enriquez, Linda Marie Elliot, Linda M. Martinez, ("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 October 20, 2003, 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 of the Business and Professions Code.

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II

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

CRIMINAL CONVICTIONS

III

On or about February 10, 1976, in the Municipal/Superior Court, County of Orange, State of California, Respondent was convicted of violating Penal Code Section 485 (Lost Property-Theft), a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

On or about February 9, 1977, in the Municipal/Superior Court, County of Orange, State of California, Respondent was convicted of violating Penal Code Section 484-488 (Petty Theft), a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

V

Respondent's convictions, as set forth in Paragraph III and IV, are cause to deny Respondent's real estate license application pursuant to Code Sections 480(a)(1) and 10177(b).

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FAILURE TO REVEAL CONVICTION

VI

In response to Question 25 of her 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 "Yes", but failed to disclose the conviction set forth in Paragraph III, above.

VII

Respondent's failure to reveal the conviction against her set forth in Paragraph III, above, constitutes the procurement of, or 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 fact required to be revealed in a real estate application, which constitutes cause under Code Sections 480(c) and 10177(a) for denial of Respondent's application for a real estate license.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

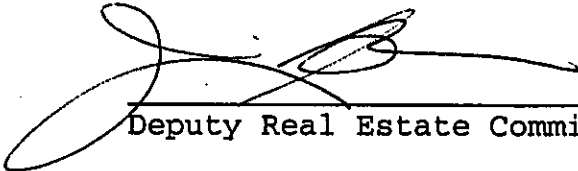
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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, LINDA MARIE MARTINEZ,  
6 and for such other and further relief as may be proper in the  
7 premises.

8 Dated at Los Angeles, California

9 this 12 day of August, 2004.

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12 Deputy Real Estate Commissioner  
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23 cc: Linda Marie Martinez  
24 Waddell  
25 Sacto.  
26 AE  
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