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FILED
APR 12 2005
DEPARTMENT OF REAL ESTATE

By *R. M. Buda*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	H-31397 LA
JOSEPH PEDRO ESTRADA,)	
Respondent.)	
)	<u>STIPULATION</u>
)	<u>AND</u>
)	<u>WAIVER</u>
)	

It is hereby stipulated by and between JOSEPH PEDRO ESTRADA (hereinafter "Respondent") and his attorney, Frank M. Buda, Esq. and the Complainant, acting by and through Elliott MacLennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on October 20, 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 completion and the Commissioner has given written notice to
2 Respondent of the lifting of the suspension.

3 5. During the term of any restricted license,
4 Respondent shall submit to the Department of Real Estate as of
5 the last day of each March, June, September and December, proof
6 satisfactory to the Real Estate Commissioner of Respondent's
7 ongoing participation in a recognized drug and alcohol diversion
8 program. Said proof shall be submitted to the Manager of the
9 Crisis Response Team at the Los Angeles Office of the Department
10 of Real Estate and shall be verified as true and accurate by
11 Respondent under penalty of perjury.

12 The Commissioner may suspend the restricted license
13 issued to Respondent pending a hearing held in accordance with
14 Section 11500 et seq., of the Government Code, if such proof is
15 not timely submitted as provided for herein, or as provided for
16 in a subsequent agreement between the Respondent and the
17 Commissioner. The suspension shall remain in effect until such
18 proof is submitted or until Respondent enters into an agreement
19 satisfactory to the Commissioner to provide such proof, or until
20 a decision providing otherwise is adopted following a hearing
21 held pursuant to this condition.

22
23 3-8-05
24 _____
25 DATED

23 EJL
24 _____
25 Elliott Mac Lennan, Counsel
26 Department of Real Estate
27

1 * * *

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

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

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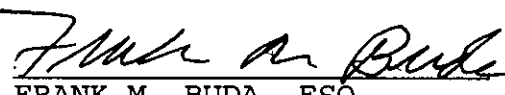
2-22-05

DATED


JOSEPH PEDRO ESTRADA
Respondent

2-9-05

DATED


FRANK M. BUDA, ESQ.
Attorney for Respondent
Approved as to form

* * * * *

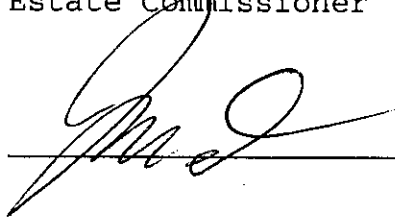
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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 JOSEPH PEDRO ESTRADA, 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 4-7-05, 2005.

JEFF DAVI
Estate Commissioner



*Sacto
Hoy*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC -7 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

JOSEPH PEDRO ESTRADA,

By *K. M. ...*

Case No. H-31397 LA

OAH No. L-2004110265

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 February 10, 2005, 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: DEC -7 2004

By *E. J. ...*
ELLIOTT MAC LENNAN, Counsel

cc: Joseph Pedro Estrada
Frank M. Buda, Esq.
Mojgan Cox/Sacto/OAH/AE

Handwritten initials/signature

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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
OCT 20 2004
DEPARTMENT OF REAL ESTATE
By K. Wiederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
JOSEPH PEDRO ESTRADA,)
Respondent.)
No. H-31397 LA
STATEMENT OF ISSUES

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JOSEPH PEDRO ESTRADA (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 September 10, 2003, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code ("Code") Section 10153.4.

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2.

On July 1, 1997, in the Superior Court of California, County of San Bernardino, respondent was convicted by a plea of nolo contendere to one count of Penal Code Section 242 (Battery), a misdemeanor, which by its facts and circumstances, involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

3.

On March 17, 2000, in the Superior Court of California, County of San Bernardino, respondent was convicted by a plea of guilty to one count of Vehicle Code Section 20002(a) (Hit-Run Driving), a misdemeanor, which by its facts and circumstances, involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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2 On March 21, 2000, in the Superior Court of California,
3 County of San Bernardino, respondent was convicted by a plea of
4 guilty to one count of Vehicle Code Section 23152(a) (Driving
5 Under the Influence), a misdemeanor, which by its facts and
6 circumstances, involves moral turpitude and is substantially
7 related under Section 2910, Chapter 6, Title 10 of the California
8 Code of Regulations, to the qualifications, functions or duties
9 of a real estate licensee.

10 5.

11 On March 6, 2001, in the Superior Court of California,
12 County of San Bernardino, respondent was convicted by a plea of
13 guilty to one count of Vehicle Code Section 23152(b) (Driving
14 with Blood Alcohol .08% or More), a misdemeanor, which by its
15 facts and circumstances, involves moral turpitude and is
16 substantially related under Section 2910, Chapter 6, Title 10 of
17 the California Code of Regulations, to the qualifications,
18 functions or duties of a real estate licensee.

20 6.

21 These crimes constitute cause for denial of
22 respondent's application for a real estate license under Sections
23 480(a) and 10177(b) of the California Business and Professions
24 Code.

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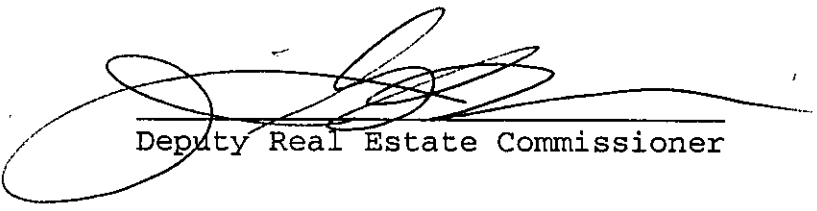
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2 These proceedings are brought under the provisions of
3 Section 10100, Division 4 of the California Business and
4 Professions Code and Sections 11500 through 11529 of the
5 California Government Code.

6 WHEREFORE, the Complainant prays that above-entitled
7 matter be set for hearing and, upon proof of the charges
8 contained herein, that the Commissioner refuse to authorize the
9 issuance of, and deny the issuance of, a real estate salesperson
10 license to Respondent JOSEPH PEDRO ESTRADA, and for such other
11 and further relief as may be proper in the premises.

12 Dated at Los Angeles, California

13 this

19 October 2004

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17 Deputy Real Estate Commissioner
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24 cc: Joseph Pedro Estrada
25 Mojgan Cox
26 Janice Waddell
27 Sacto
AE