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FILED  
JUN 21 2005

DEPARTMENT OF REAL ESTATE

By James B. Aron

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-31687 LA
	)	L-2005030243
ERICK CESAR ROJAS,	)	<u>STIPULATION</u>
	)	<u>AND</u>
Respondent.	)	<u>WAIVER</u>
	)	

It is hereby stipulated by and between ERICK CESAR ROJAS (hereinafter "Respondent") and the Complainant, acting by and through Darlene Averetta, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 17, 2005 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 Commissioner may hold a hearing on this Statement of Issues for

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

15 B. Respondent hereby admits that the allegations of  
16 the Statement of Issues filed against Respondent are true and  
17 correct and requests that the Real Estate Commissioner in his  
18 discretion issue a restricted real estate salesperson license to  
19 Respondent under the authority of Section 10156.5 of the Business  
20 and Professions Code. Respondent understands that any such  
21 restricted license will be issued subject to and be limited by  
22 Section 10153.4 of the Business and Professions Code.

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

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 a course in real estate practices and of the  
19 courses listed in Section 10153.2, other than real estate  
20 principles, advanced legal aspects of real estate, advanced real  
21 estate finance, or advanced real estate appraisal. If Respondent  
22 fails to timely present to the Department satisfactory evidence  
23 of successful completion of the two required courses, the  
24 restricted license shall be automatically suspended effective  
25 eighteen (18) months after the date of its issuance. Said  
26 suspension shall not be lifted unless, prior to the expiration  
27

1 of the restricted license, Respondent has submitted the required  
2 evidence of course completion and the Commissioner has given  
3 written notice to Respondent of the lifting of the suspension.


4 5. Pursuant to Section 10154, if Respondent has not  
5 satisfied the requirements for an unqualified license under  
6 Section 10153.4, Respondent shall not be entitled to renew the  
7 restricted license, and shall not be entitled to the issuance of  
8 another license which is subject to Section 10153.4 until four  
9 years after the date of the issuance of the preceding restricted  
10 license.

11 6. During the term of any restricted license,  
12 Respondent shall submit to the Department of Real Estate as of  
13 the last day of each March, June, September and December, proof  
14 satisfactory to the Real Estate Commissioner of Respondent's  
15 ongoing participation in a recognized drug and alcohol diversion  
16 program. Said proof shall be submitted to the Manager of the  
17 Crisis Response Team at the Los Angeles Office of the Department  
18 of Real Estate and shall be verified as true and accurate by  
19 Respondent under penalty of perjury.

20 The Commissioner may suspend the restricted license  
21 issued to Respondent pending a hearing held in accordance with  
22 Section 11500 et seq., of the Government Code, if such proof is  
23 not timely submitted as provided for herein, or as provided for  
24 in a subsequent agreement between the Respondent and the  
25 Commissioner. The suspension shall remain in effect until such  
26 proof is submitted or until Respondent enters into an agreement  
27 satisfactory to the Commissioner to provide such proof, or until

1 a decision providing otherwise is adopted following a hearing  
2 held pursuant to this condition.

3 May 24, 2005  
4 DATE

  
5 Darlene Averetta, Counsel  
6 Department of Real Estate

\* \* \*

7 I have read the Stipulation and Waiver and its terms  
8 are understood by me and are agreeable and acceptable to me.

9 I understand that I am waiving rights given to me by the  
10 California Administrative Procedure Act (including but not  
11 limited to Sections 11506, 11508, 11509, and 11513 of the  
12 Government Code), and I willingly, intelligently, and  
13 voluntarily waive those rights, including the right of a  
14 hearing on the Statement of Issues at which I would have the  
15 right to cross-examine witnesses against me and to present  
16 evidence in defense and mitigation of the charges.

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

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DATED

5/13/05

*Erick Cesar Rojas*  
ERICK CESAR ROJAS  
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 ERICK CESAR ROJAS, 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 5-31-05

JEFF DAVI  
Real Estate Commissioner

*Jeff Davi*

*Sacto*

CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013-1105

**FILED**  
FEB 17 2005  
DEPARTMENT OF REAL ESTATE

Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)

By *James B. Stone*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	
ERICK CESAR ROJAS, )	No. H-31687 LA
Respondent. )	<u>STATEMENT OF ISSUES</u>

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ERICK CESAR ROJAS ("Respondent"), is informed and alleges in her official capacity 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 May 4, 2004, 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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CRIMINAL CONVICTIONS

II

On or about March 28, 2002, in the Superior Court of California, County of Los Angeles, in Case No. 2SF00276, Respondent was convicted of violating one count of California Vehicle Code Section 23152(b) (Driving with a Blood Alcohol of 0.08% or More), a misdemeanor.

III

On or about October 22, 2001, in the Superior Court of California, County of Los Angeles, in Case No. 1SB07451, Respondent was convicted of violating one count of California Vehicle Code Section 23152(a) (DUI), a misdemeanor.

IV

On or about December 27, 1995, in the Municipal Court, County of Los Angeles, State of California, in Case No. 95H03852, Respondent was convicted of violating one count of California Penal Code Section 647(a) (Disorderly Conduct: Lewd Act), a misdemeanor.

V

The crimes alleged in Paragraphs II through IV, above, involve moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

VI

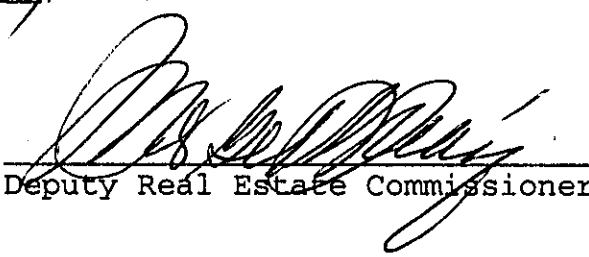
Respondent's convictions, as set forth in Paragraphs II through IV, above, constitute cause to deny Respondent's

1 real estate license application pursuant to Code Sections  
2 480(a) and/or 10177(b).

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

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

14 Dated at Los Angeles, California  
15 this 10th day of February, 2005.

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18 Deputy Real Estate Commissioner  
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25 cc: Erick Cesar Rojas  
26 Maria Suarez  
27 Sacto.  
LF