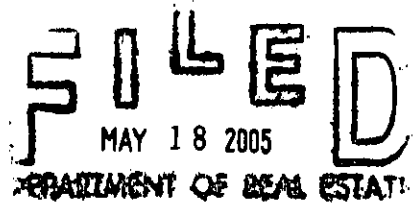


1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982
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7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**
9

10 *In the Matter of the Application of*

11 OSCAR FERNANDEZ BARRIOS,

12
13 Respondent
14

) No. H- 31692 LA
) L-2005030221
)
) **STIPULATION AND**
) **WAIVER**
)
)

15 I, OSCAR FERNANDEZ BARRIOS, 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 February 22, 2005, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his 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 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 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 04.22.05

4 Dated

Oscar Fernandez Barrios
OSCAR FERNANDEZ BARRIOS, Respondent

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

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

13 This Order is effective immediately.

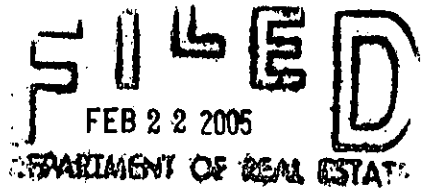
14 IT IS SO ORDERED

5-10-05

15
16 Jeff Davi
17 Real Estate Commissioner
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1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
Los Angeles, CA 90013

4 (213) 576-6982
5 (213) 576-6907



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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-31692 LA
12 OSCAR FERNANDES BARRIOS,)
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, Janice Waddell, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against OSCAR FERNANDES BARRIOS, aka Oscar Barrios Fernandez
18 ("Respondent"), alleges in her official capacity as follows:
19

20 I

21 On or about October 5, 2004, pursuant to the provisions
22 of Section 10153.3 of the Business and Professions Code ("Code"),
23 Respondent made application to the Department of Real Estate of
24 the State of California for a real estate salesperson license
25 with the knowledge and understanding that any license issued as a
26 result of said application would be subject to the conditions of
27

1 Section 10153.4 of the code.

2 CRIMINAL CONVICTIONS

3 II

4 On or about May 9, 1997, in the Superior Court of
5 California, County of Orange, in Case No. 97NF0597A, Respondent
6 was convicted of violating one count of the California Penal Code
7 Section 496(a) (Receiving Stolen Property), a felony crime
8 involving moral turpitude which is substantially related to the
9 qualifications, functions and duties of a real estate licensee.
10 Respondent was placed on probation for three years, the terms and
11 conditions of which included serving 102 days in county jail, and
12 a fine of \$200.00. Respondent was also ordered to participate in
13 a plan for counseling.

14 III

15 On or about August 13, 1996, in the Municipal Court,
16 County of Orange, State of California, in Case No. 96NM06937,
17 Respondent was convicted of one count of violating Penal Code
18 Section 664/487(c) (Attempted Grand theft) and one count of
19 violating Penal Code Section 242 (Battery). These misdemeanor
20 crimes involve moral turpitude and are substantially related to
21 the qualifications, functions and duties of a real estate
22 licensee. Respondent was placed on summary probation for three
23 years, the terms and conditions of which included serving 180
24 days in county jail. On or about May 9, 1997. Respondent was
25 found in violation of probation for the conviction described in
26
27

Paragraph II, above.

IV

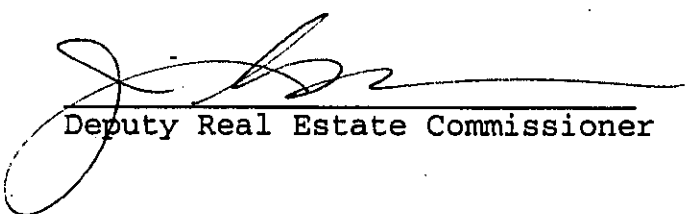
Respondent's convictions, as set forth in Paragraphs II and III, above, constitute grounds for denial of Respondent's application for a real estate license pursuant to Code Sections 480(a) and/or 10177(b).

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.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent OSCAR FERNANDES BARRIOS and for such other and further relief as may be proper under the law.

Dated at Los Angeles, California

this 16 day of February, 2005.


Deputy Real Estate Commissioner

cc: Oscar Fernandes Barrios
Sacto.
Janice Waddell
LA