

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED
NOV 22 2006
DEPARTMENT OF REAL ESTATE

By K. Mederholt

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 REINALDO JOSE VALDES,)
13 Respondent.)

No. H-32385 LA

STIPULATION
AND
AGREEMENT

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15 It is hereby stipulated by and between REINALDO JOSE
16 VALDES (sometimes referred to as Respondent) represented by
17 Kenneth R. Hodges, Esq., and the Complainant, acting by and
18 through Elliott Mac Lennan, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing the
20 Accusation ("Accusation") filed in this matter on January 11,
21 2006:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondents
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act ("APA"), shall instead and in place
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1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. Respondent timely filed a Notice of Defense
8 pursuant to Section 11505 of the Government Code for the purpose
9 of requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives his right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights
16 afforded to him in connection with the hearing such as the right
17 to present evidence in defense of the allegations in the
18 Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation filed in this proceeding.
21 In the interest of expedience and economy, Respondent chooses not
22 to contest these factual allegations, but to remain silent and
23 understands that, as a result thereof, these factual statements,
24 will serve as a prima facie basis for the disciplinary action
25 stipulated to herein. The Real Estate Commissioner shall not be
26 required to provide further evidence to prove such allegations.

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1 5. This Stipulation and Respondent's decision not to
2 contest the Accusation are made for the purpose of reaching an
3 agreed disposition of this proceeding and are expressly limited
4 to this proceeding and any other proceeding or case in which the
5 Department of Real Estate ("Department"), the state or federal
6 government, or an agency of this state, another state or the
7 federal government is involved.

8 6. It is understood by the parties that the Real
9 Estate Commissioner may adopt the Stipulation and Agreement as
10 his decision in this matter thereby imposing the penalty and
11 sanctions on Respondent's real estate licenses and license rights
12 as set forth in the "Order" hereinbelow. In the event that the
13 Commissioner in his discretion does not adopt the Stipulation and
14 the Agreement, the Agreement shall be void and of no effect, and
15 Respondent shall retain the right to a hearing and proceeding on
16 the Accusation under the provisions of the APA and shall not be
17 bound by any admission or waiver made herein.

18 7. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department of Real
22 Estate with respect to any matters which were not specifically
23 alleged to be causes for accusation in this proceeding.

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Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

4. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to

1 satisfy this condition, the Commissioner may order the suspension
2 of the restricted license until the Respondent presents such
3 evidence. The Commissioner shall afford Respondent the
4 opportunity for a hearing pursuant to the Administrative
5 Procedure Act to present such evidence.

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8 DATED: 4-13-06

ELW
9 ELLIOTT MAC LENNAN, Counsel for
10 the Department of Real Estate

11 * * *

12 I have read the Stipulation and Waiver and discussed it
13 with my counsel. Its terms are understood by me and are
14 agreeable and acceptable to me. I understand that I am waiving
15 rights given to me by the California Administrative Procedure Act
16 (including but not limited to Sections 11506, 11508, 11509 and
17 11513 of the Government Code), and I willingly, intelligently and
18 voluntarily waive those rights, including the right of requiring
19 the Commissioner to prove the allegations in the Accusation at a
20 hearing at which I would have the right to cross-examine
21 witnesses against me and to present evidence in defense and
22 mitigation of the charges.

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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Elliott Mac Lennan, Esq. c/o the Department of Real Estate at the following telephone/fax number: (213) 576-6917.

Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 4/18/06 
REINALDO JOSE VALDES, Respondent

DATED: 4-18-06 
KENNETH R. HODGES, ESQ.,
Attorney for Respondent
Approved as to form

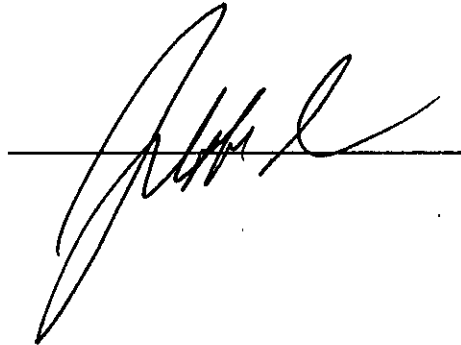
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent REINALDO JOSE VALDES and
shall become effective at 12 o'clock noon
on DEC 12, 2006

IT IS SO ORDERED 11-14, 2006

JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Jeff Davi', is written over a horizontal line.

Handwritten initials/signature

FILED
JAN 11 2008
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

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By *K. Wiederholt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H-32385 LA
REINALDO JOSE VALDES,)	<u>ACCUSATION</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against REINALDO JOSE VALDES aka Ray Valdes,, is informed and alleges in her official capacity as follows:

1.

Respondent is presently licensed and/or has license rights as a real estate broker under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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2.

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2 Respondent was originally licensed by the Department of
3 Real Estate of the State California as a real estate salesperson
4 on August 11, 1990, and as a real estate broker on October 10,
5 2002.

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7 3.

8 On January 14, 2003, Superior Court of California,
9 County of Orange, Harbor Judicial District, respondent was
10 convicted by guilty pleas to one count each of Penal Code Section
11 Vehicle Code Section 20002(a) (Hit and Run with property damage)
12 and Vehicle Code Section 14601.2(a) (drive with suspended
13 license), misdemeanor crimes, that are substantially related
14 under Section 2910(a) (7) and (8), Chapter 6, Title 10 of the
15 California Code of Regulations, to the qualifications, functions
16 or duties of a real estate licensee.

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18 4.

19 The crimes alleged in Paragraph 3, constitutes cause
20 for the suspension or revocation of the license and license
21 rights of respondent under Code Sections 490 and/or 10177(b).

22 IN AGGRAVATION

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24 5.

25 On July 17, 1998, in the Superior Court of California,
26 County of Los Angeles, respondent was convicted of Penal Code
27 Section 166(a) (4) (violate child support order), a misdemeanor.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof therof, a decision be rendered imposing disciplinary action
4 against the license and license rights of respondent REINALDO
5 JOSE VALDES under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provision of law.

8 Dated at Los Angeles, California

9 This *14th* day of *January* 2006.

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14 Deputy Real Estate Commissioner
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25 cc: Reinaldo Jose Valdes
26 Maria Suarez
27 Sacto
JO