

FILED

APR 24 2010

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	No. H-32426 LA
	)	
THOMAS VALLARINO,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 17, 2006, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on September 23, 2006 and Respondent has operated as a restricted licensee since that time.

On or about October 31, 2008, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

///

///

1 I have considered Respondent's petition and the evidence and arguments
2 submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent
3 meets the requirements of law for the issuance to Respondent of an unrestricted real estate
4 salesperson license and that it would not be against the public interest to issue said license to
5 Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
7 reinstatement is granted and that an unrestricted real estate salesperson license be issued to
8 Respondent, if Respondent satisfies the following conditions within twelve (12) months from
9 the date of this Order:

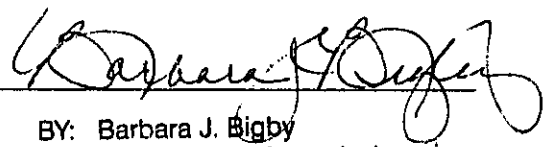
10 1. Submittal of a completed application and payment of the fee for a real estate
11 salesperson license.

12 2. Submittal of evidence of having, since the most recent issuance of an original
13 or renewal real estate license, taken and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate
15 Law for renewal of a real estate license.

16 This Order shall be effective immediately.

17 Dated: 4/21/10

18 JEFF DAVI
19 Real Estate Commissioner

20
21 
22 BY: Barbara J. Bigby
23 Chief Deputy Commissioner
24
25
26
27

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
JUN - 7 2006
DEPARTMENT OF REAL ESTATE

By cc

6
7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) DRE No. H-32426 LA
14 THOMAS VALLARINO,) OAH No. L-2006020401
15) STIPULATION AND AGREEMENT
16)
17 Respondent.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)

17 It is hereby stipulated by and between THOMAS
18 VALLARINO, Respondent, and the Complainant, acting by and
19 through Lissete Garcia, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation filed on January 23, 2006, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and
24 Respondent at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the
26 Administrative Procedure Act (APA), shall instead and in place
27

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On February 3, 2006, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. In order to effectuate this settlement, Respondent
11 hereby freely and voluntarily withdraws said Notice of Defense.
12 Respondent acknowledges that he understands that by withdrawing
13 said Notice of Defense, he will thereby waive his right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing such as the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations set forth in
22 the Accusation filed in this proceeding are true and correct
23 and the Real Estate Commissioner shall not be required to
24 provide further evidence of such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his Decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license
2 rights as set forth in the below "Order." In the event that
3 the Commissioner in his discretion does not adopt the
4 Stipulation and Agreement, it shall be void and of no effect,
5 and Respondent shall retain the right to a hearing and
6 proceeding on the Accusation under all the provisions of the
7 APA and shall not be bound by any stipulation or waiver made
8 herein.

9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation and
11 Agreement shall not constitute an estoppel, merger or bar to
12 any further administrative proceedings by the Department of
13 Real Estate with respect to any matters which were not
14 specifically alleged to be causes for accusation in this
15 proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations and waivers
18 and solely for the purpose of settlement of the pending
19 Accusation without a hearing, it is stipulated and agreed that
20 the following Determination of Issues shall be made:

21 The conduct, acts or omissions of Respondent THOMAS
22 VALLARINO, as described in Paragraphs IV through VII of the
23 Accusation, constitute cause to suspend or revoke the real estate
24 license and license rights of Respondent under the provisions of
25 Business and Professions Code Sections 490 and 10177(b).
26
27

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent
THOMAS VALLARINO under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson license
shall be issued to Respondent pursuant to Section 10156.5 of
the Business and Professions Code if Respondent makes
application therefor and pays to the Department of Real Estate
the appropriate fee for the restricted license within 90 days
from the effective date of this Decision. The restricted
license issued to Respondent shall be subject to all of the
provisions of Section 10156.7 of the Business and Professions
Code and to 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 Commissioner on
evidence satisfactory to the Commissioner that Respondent has
violated provisions of the California Real Estate Law, the

1 Subdivided Lands Law, Regulations of the Real Estate

2 Commissioner or conditions attaching to the restricted license.

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

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Department of Real Estate which shall certify:

13 (a) That the employing broker has read the Decision
14 of the Commissioner which granted the right to a
15 restricted license; and

16 (b) That the employing broker will exercise close
17 supervision over the performance by the restricted
18 licensee relating to the activities for which a real
19 estate license is required.
20

21 5. Respondent shall, within nine months from the
22 effective date of this Decision, present evidence satisfactory
23 to the Real Estate Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate
25 license, taken and successfully completed the continuing
26 education requirements of Article 2.5 of Chapter 3 of the Real
27

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

7 6. Six months after the issuance of the restricted
8 license, and at six month intervals thereafter during the term
9 of any restricted license issued pursuant to this Decision,
10 Respondent shall provide proof acceptable to the Real Estate
11 Commissioner that, during the preceding six months, Respondent
12 has, each and every week, attended one or more sessions of
13 Alcoholics Anonymous or similar 12 Step or substance abuse
14 program, or that such attendance in any week was impractical
15 due to travel for work, the illness of Respondent or a member
16 of Respondent's family, vacation, incarceration, residential
17 treatment for substance abuse, extreme personal hardship for
18 Respondent or a member of Respondent's family, or family
19 emergency. Respondent shall submit proof to the Los Angeles
20 Crisis Response Team Manager of the Department of Real Estate.
21 The Commissioner may suspend the restricted license issued to
22 Respondent pending a hearing held in accordance with Section
23 11500, et seq., of the Government Code, if such proof is not
24 timely submitted as provided for herein, or as provided for in
25 a subsequent agreement between the Respondent and the
26
27

1 Commissioner. The suspension shall remain in effect until such
2 proof is submitted or until Respondent enters into an agreement
3 satisfactory to the Commissioner to provide such proof, or
4 until a decision providing otherwise is adopted following a
5 hearing held pursuant to this condition.

6
7 DATED: 5/5/06

Lisette Garcia
Lisette Garcia
Counsel for Complainant

8
9 * * *

10
11 I have read the Stipulation and Agreement and its
12 terms are understood by me and are agreeable and acceptable to
13 me. I understand that I am waiving rights given to me by the
14 California Administrative Procedure Act (including but not
15 limited to Sections 11506, 11508, 11509 and 11513 of the
16 Government Code), and I willingly, intelligently and
17 voluntarily waive those rights, including the right of
18 requiring the Commissioner to prove the allegations in the
19 Accusation at a hearing at which I would have the right to
20 cross-examine witnesses against me and to present evidence in
21 defense and mitigation of the charges.

22 Respondent may signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of its signature page, as actually signed by Respondent,
25 to the Department at the following fax number (213) 576-6917.
26 Respondent agrees, acknowledges and understands that by
27 electronically sending to the Department a fax copy of his actual

1 signature as it appears on the Stipulation, that receipt of the
2 faxed copy by the Department shall be as binding on Respondent as
3 if the Department had received the original signed Stipulation
4 and Agreement.

5
6 DATED: 4/27/06

Thomas Vallarino
THOMAS VALLARINO
Respondent

7
8 * * *

9 The foregoing Stipulation and Agreement is hereby
10 adopted as my Decision in this matter and shall become
11 effective at 12 o'clock noon on June 27, 2006.

12 IT IS SO ORDERED 5-17-06
13

14 JEFF DAVI
15 Real Estate Commissioner
16
17
18
19
20
21
22
23
24
25
26
27

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
JAN 23 2008
DEPARTMENT OF REAL ESTATE

By C. 27

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-32426 LA
12 THOMAS VALLARINO,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against THOMAS VALLARINO (hereinafter "Respondent"), is informed
18 and alleges as follows:
19

20 I

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

24 ///

25 ///

26 ///

II

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

III

Respondent was originally licensed by the Department of Real Estate of the State of California ("Department") on June 17, 1998.

IV

On or about July 26, 1999, in the Superior Court of the State of California, County of Orange, in Case No. 99HM03651, Respondent was convicted of a violation of Vehicle Code Section 23152(a) (driving under the influence of alcohol or drugs). Respondent was sentenced to 3 years informal probation, the terms and conditions of which included payment of fines and restitution, 90 days restricted driver's license and attendance and completion of 1 victim impact panel. Said crime is a misdemeanor involving moral turpitude and bears a substantial relationship under Sections 2910(a)(8), (a)(9), (a)(10) and (a)(11), Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

///

///

///

V

1 On or about April 4, 2001, in the Superior Court of
2 the State of California, County of Orange, in
3 Case No. WE01WM03203, Respondent was convicted of violations of
4 Vehicle Code Sections 14601(a) (driving on a suspended/revoked
5 license) and 21453(C) (driver failure to stop at red arrow).
6 Respondent was sentenced to 3 years informal probation the terms
7 and conditions of which included payment of fines and
8 restitution. This conviction is substantially related under
9 Sections 2910(a)(7), (a)(8) and (a)(10), Title 10, California
10 Code of Regulations, to the qualifications, functions or duties
11 of a real estate licensee.
12

13 VI

14 On or about February 4, 2002, in the Superior Court of
15 the State of California, County of Los Angeles, in
16 Case No. ISB08970, Respondent was convicted of a violation of
17 Vehicle Code Section 23152(A) (misdemeanor-driving under the
18 influence of alcohol/drugs). Respondent was placed on summary
19 probation for 3 years, the terms and conditions of which
20 included serving 96 hours in county jail, court costs,
21 restitution, fines or community service in lieu of fines,
22 completion of an 18-month licensed second-offender alcohol
23 education program and restricted driving for 18 months. Said
24 crime is a misdemeanor involving moral turpitude and bears a
25 substantial relationship under Sections 2910(a)(8), (a)(9),
26 (a)(10) and (a)(11),
27

1 Title 10, California Code of Regulations, to the qualifications,
2 functions or duties of a real estate licensee.

3 VII

4 On or about March 19, 2003, in Superior Court of the
5 State of California, County of San Diego, in Case No. CN153139,
6 Respondent was convicted of a violation of Vehicle Code
7 Sections 14601.1(a) (driving when privilege suspended or
8 revoked) and 22349(a) (speeding). Respondent was placed on
9 summary probation for 3 years, the terms and conditions which
10 included proof of Ignition Interlock Device on vehicle and
11 payment of court fines and costs. This conviction bears a
12 substantial relationship under Sections 2910(a)(7), (a)(8) and
13 (a)(10), Title 10, California Code of Regulations, to the
14 qualifications, functions or duties of a real estate licensee.
15

16 VIII

17 The crimes of which Respondent was convicted, as
18 described in Paragraphs IV through VII above, constitute cause
19 under Code Sections 490 and 10177(b) for the suspension or
20 revocation of all licenses and license rights of Respondent
21 under the Real Estate Law.

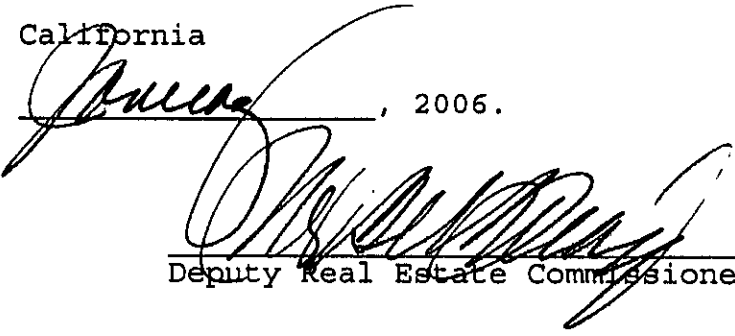
22 These proceedings are brought under the provisions of
23 Section 10100, Division 4 of the Business and Professions Code
24 of the State of California and Sections 11500 and 11528 of the
25 Government Code.

26 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent,
5 THOMAS VALLARINO, under the Real Estate Law (Part 1 of Division
6 4 of the Business and Professions Code), and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 20th day of January, 2006.

11
12
13 
14 Deputy Real Estate Commissioner
15
16
17
18
19
20
21
22
23
24

25 cc: Thomas Vallarino
26 Maria Suarez
27 Sacto.