

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

4 Telephone: (213) 576-6982



5 By C

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7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**
9

10 *In the Matter of the Application of*

11 ERNESTO VARGAS,

12
13 Respondent

) No. H- 32671 LA

) L-2006080081

) **STIPULATION AND**
) **WAIVER**
)
)

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15 It is hereby stipulated by and between ERNESTO VARGAS (hereinafter "Respondent") and
16 Respondent's attorney, Arturo Santana, Jr., and the Complainant, acting by and through Jennifer A. Granat,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Statement of Issues filed on April 13, 2006 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be
8 limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
10 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
11 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
12 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
13 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
14 Waiver is not accepted by the Commissioner.

15 Respondent further understands that the following conditions, limitations, and restrictions will attach
16 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
19 to exercise any privileges granted under this restricted license in the event of:
 - 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 22 b. The receipt of evidence that Respondent has violated provisions of the California Real
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted
27

1 license until two years have elapsed from the date of issuance of the restricted license to
2 Respondent.

- 3 3. With the application for license, or with the application for transfer to a new employing broker,
4 Respondent shall submit a statement signed by the prospective employing broker on a form
5 approved by the Department of Real Estate wherein the employing broker shall certify as
6 follows:

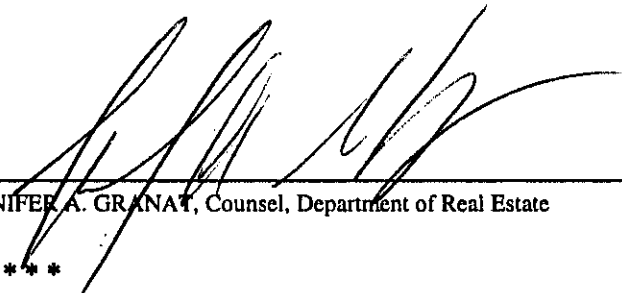
- 7 a. That broker has read the Statement of Issues which is the basis for the issuance of the
8 restricted license; and
9 b. That broker will carefully review all transaction documents prepared by the restricted
10 licensee and otherwise exercise close supervision over the licensee's performance of acts
11 for which a license is required.

- 12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15 the Commissioner of successful completion, at an accredited institution, of
16 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
17 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
18 real estate appraisal. If Respondent fails to timely present to the Department satisfactory
19 evidence of successful completion of the two required courses, the restricted license shall be
20 automatically suspended effective eighteen (18) months after the date of its issuance. Said
21 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
22 has submitted the required evidence of course completion and the Commissioner has given
23 written notice to Respondent of the lifting of the suspension.

- 24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
27 until four years after the date of the issuance of the preceding restricted license.

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10-12-06
Dated


JENNIFER A. GRANAT, Counsel, Department of Real Estate

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


Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at 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 Waiver, 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 Waiver.

9/29/0000
Dated

ERNESTO VARGAS
ERNESTO VARGAS, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

10/2/06
Dated


ARTURO SANTANA, Jr., Attorney for 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.

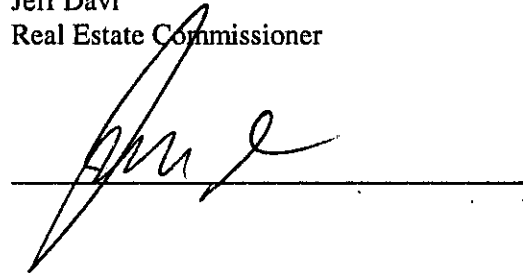
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

10-29-86

Jeff Davi
Real Estate Commissioner



Telephone: (213) 576-6982
(Direct) (213) 576-6907

FILED
APR 13 2008
DEPARTMENT OF REAL ESTATE

By 61

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-32671 LA
ERNESTO VARGAS,)
Respondent.)
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I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about June 3, 2005, 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 California Business and Professions Code.

II

CRIMINAL CONVICTIONS

On or about May 9, 2000, in the Superior Court of California, County of Ventura, Case No. 00S000102, Respondent ERNESTO VARGAS was convicted of one (1) count of violating California Vehicle Code Section 23152(b) (driving with blood alcohol .08 or more), a crime which is substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

III

On or about August 24, 2001, in the Superior Court of California, County of Ventura, Case No. 2002018536, Respondent ERNESTO VARGAS was convicted of one (1) count of violating California Penal Code Section 245(a)(1) (assault with deadly weapon/not firearm), a crime involving moral turpitude which is substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The crimes of which Respondent was convicted, as alleged herein above, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

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

5 WHEREFORE, Complainant prays that the above-entitled
6 matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent, ERNESTO VARGAS, and for such other and
10 further relief as may be proper under other provisions of law.

11 Dated at Los Angeles, California

12 this 7th day of April, 2006

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15 Maria Suarez
16 Deputy Real Estate Commissioner
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26 cc: Ernesto Vargas
27 Jose Martin Valles
Maria Suarez
Sacto.