

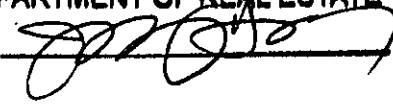
1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

NOV 16 2006

DEPARTMENT OF REAL ESTATE

BY: 

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 ERIC A. RUVALCABA,

14 Respondent

) No. H- 32715 LA

) L-2006050745

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

15 It is hereby stipulated by and between ERIC A. RUVALCABA (hereinafter "Respondent") and
16 Respondent's attorney, Jack W. Kortz, and the Complainant, acting by and through Alvaro Mejia, Counsel
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
18 Issues filed on April 21, 2006 and First Amended Statement of Issues filed on September 29, 2006 in this
19 matter:

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

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

5 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
6 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
7 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
8 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:

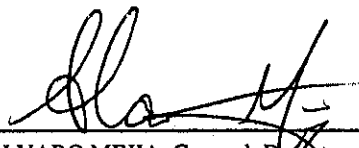
- 17 1. The license shall not confer any property right in the privileges to be exercised including the
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
19 to exercise any privileges granted under this restricted license in the event of:
 - 20 a. The conviction 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 10/25/06
13 Dated

14 
15 ALVARO MEJIA, Counsel, Department of Real Estate

16 * * *

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

23 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
24 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
25 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
26 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
27 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.

October 17, 2006

Dated

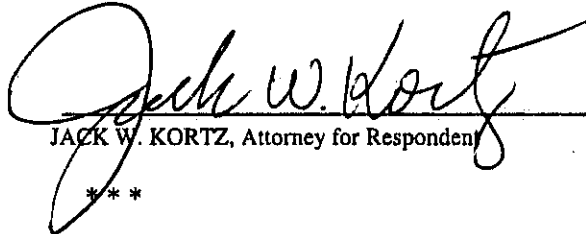


ERIC A. RUVALCABA, Respondent

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

10-17-06

Dated



JACK W. KORTZ, 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.

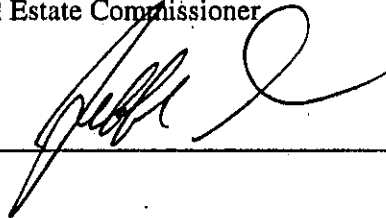
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

11-14-06

Jeff Davi
Real Estate Commissioner



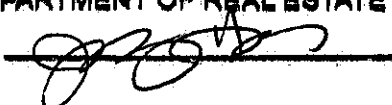
now
1 ALVARO MEJIA, Counsel (SBN 216956)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED

SEP 29 2006

DEPARTMENT OF REAL ESTATE

BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Application of)

NO. H-32715 LA

11 ERIC A. RUVALCABA,)

L-2006050745

12) FIRST AMENDED

13) STATEMENT OF ISSUES

14 Respondent.)

15 The Complainant, Janice Waddell, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Statement
17 of Issues against ERIC A. RUVALCABA, aka Eric Adrian Ruvalcaba,
18 ("Respondent"), is informed and alleges as follows:
19

20 1.

21 The Complainant, Janice Waddell, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in her official capacity.

24 2.

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate salesperson
27 license on or about November 8, 2004.

3.

(CRIMINAL CONVICTIONS)

On or about February 25, 1999, in the Municipal Court of Citrus Judicial District, County of Los Angeles, State of California, in case no. 9JM01363, Respondent was convicted of violating, in the County of Los Angeles, Industry Municipal Code Section 9.74.10 (Selling without a City License), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

On or about April 29, 1999, in the Municipal Court of Monrovia Judicial District, County of Los Angeles, State of California, in case no. 9SA00906, Respondent was convicted of violating, in the County of Los Angeles, DMC Section 5.16.020 (Permit Required for Peddlers), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5.

On or about August 18, 1999, in the Municipal Court of West Covina Judicial District, County of Los Angeles, State of California, in case no. 9JM08217, Respondent was convicted of violating, in the County of Los Angeles, Industry Municipal Code Section 17.44.010 (Use Permit Requirement), a misdemeanor. The

1 underlying facts of this crime are substantially related under
2 Title 10, Chapter 6, Section 2910, California Code of
3 Regulations, to the qualifications, functions or duties of a
4 real estate licensee.

5 6.

6 On or about October 5, 1999, in the Municipal Court of
7 West Covina Judicial District, County of Los Angeles, State of
8 California, in case no. 9JM09216, Respondent was convicted of
9 violating California Vehicle Code Section 14601(a) (Driving with
10 a Suspended License), a misdemeanor. The underlying facts of
11 this crime are substantially related under Title 10, Chapter 6,
12 Section 2910, California Code of Regulations, to the
13 qualifications, functions or duties of a real estate licensee.
14

15 7.

16 On or about June 28, 2001, in the Superior Court of
17 the State of California, County of Ventura, in case no.
18 2001006741, Respondent was convicted of violating California
19 Vehicle Code Section 23152(a) (Driving Under the Influence of
20 Alcohol or Drugs), a misdemeanor, and violating California
21 Vehicle Code Section 14610(a)(1) (Unlawful use of License), a
22 misdemeanor. The underlying facts of these crimes involve moral
23 turpitude, which are substantially related under Title 10,
24 Chapter 6, Section 2910, California Code of Regulations, to the
25 qualifications, functions or duties of a real estate licensee.

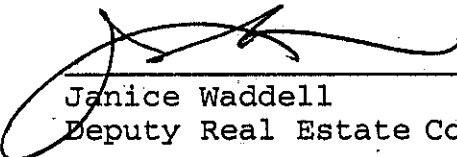
26 ///

The crimes of which Respondent was convicted, as alleged herein above in Paragraphs 3, 4, 5, 6, and 7, 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).

The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 and 11529 of the Government Code.

WHEREFORE, 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, ERIC A. RUVALCABA, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 29 day of September, 2006.


Janice Waddell
Deputy Real Estate Commissioner

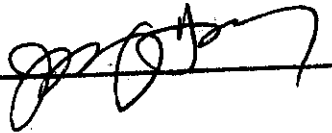
Cc: ERIC A. RUVALCABA
Mulhearn Realtors
Janice Waddell
Sacto.
JO
Jack Kortz, esq.
OAH

ALVARO MEJIA, Counsel (SBN 216956)
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320 West 4th Street, Suite 350
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Telephone: (213) 576-6982
(Direct) (213) 576-6916



DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	NO. H- 32715 LA
	)	
ERIC A. RUVALCABA,	)	
	)	<u>STATEMENT OF ISSUES</u>
	)	
Respondent.	)	
	)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against ERIC A. RUVALCABA, aka Eric Adrian Ruvalcaba, aka Adrian Ruvalcaba, ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in her official capacity.

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2.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about November 8, 2004.

3.

(CRIMINAL CONVICTIONS)

On or about February 19, 1999, in the Municipal Court of West Covina Courthouse Judicial District, County of Los Angeles, State of California, in case no. 9JM00547, Respondent was convicted of violating, in the County of Los Angeles, Covina Municipal Code Section 5.04.060 (Selling without a License), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

On or about February 25, 1999, in the Municipal Court of Citrus Judicial District, County of Los Angeles, State of California, in case no. 9JM01363, Respondent was convicted of violating, in the County of Los Angeles, Industry Municipal Code Section 9.74.10 (Selling without a City License), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5.

On or about April 29, 1999, in the Municipal Court of Monrovia Judicial District, County of Los Angeles, State of California, in case no. 9SA00906, Respondent was convicted of violating, in the County of Los Angeles, DMC Section 5.16.020 (Permit Required for Peddlers), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

6.

On or about August 18, 1999, in the Municipal Court of West Covina Judicial District, County of Los Angeles, State of California, in case no. 9JM08217, Respondent was convicted of violating, in the County of Los Angeles, Industry Municipal Code Section 17.44.010 (Use Permit Requirement), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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On or about October 5, 1999, in the Municipal Court of West Covina Judicial District, County of Los Angeles, State of California, in case no. 9JM09216, Respondent was convicted of violating California Vehicle Code Section 14601(a) (Driving with a Suspended License), a misdemeanor. The underlying facts of this crime are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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On or about June 28, 2001, in the Superior Court of the State of California, County of Ventura, in case no. 2001006741, Respondent was convicted of violating California Vehicle Code Section 23152(a) (Driving Under the Influence of Alcohol or Drugs), a misdemeanor, and violating California Vehicle Code Section 14610(a)(1) (Unlawful use of License), a misdemeanor. The underlying facts of these crimes involve moral turpitude, which are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

9.

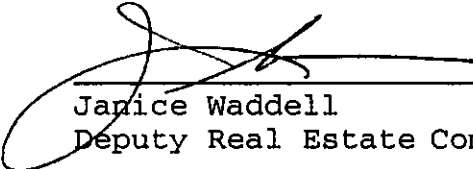
The crimes of which Respondent was convicted, as alleged herein above in Paragraphs 3, 4, 5, 6, 7, and 8, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2); 480(a)(1); and/or 10177(b).

1 The Statement of Issues is brought under the
2 provisions of Section 10100, Division 4 of the Business and
3 Professions Code of the State of California and Sections 11500
4 and 11529 of 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, ERIC A. RUVALCABA, 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 20 day of April, 2006.

13
14
15 
16 Janice Waddell
17 Deputy Real Estate Commissioner
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19
20
21
22
23
24

25 Cc: ERIC A. RUVALCABA
26 Mulhearn Realtors
27 Janice Waddell
Sacto.
JO