

Telephone: (916) 227-0789

FILED
JUN - 6 2006
DEPARTMENT OF REAL ESTATE

B

In the Matter of the Application of

RAFAEL DE LOERA,

Respondent

No. H- 32751 LA

STIPULATION AND WAIVER

I, RAFAEL DE LOERA, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on April 28, 2006, in connection with my application for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate broker license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

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

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

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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.

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4 5/10/06
5 Dated

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7 
8 RAPHAEL DE LOERA, Respondent

9 ***

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

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
15 respondent RAPHAEL DE LOERA if respondent has otherwise fulfilled all of the statutory requirements for
16 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
17 Stipulation and Waiver.

18 This Order is effective immediately.

19 IT IS SO ORDERED _____
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Jeff Davi
Real Estate Commissioner

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
4 _____
5 Dated

RAFAEL DE LOERA, Respondent

6 * * *

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

11 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
12 respondent RAFAEL DE LOERA if respondent has otherwise fulfilled all of the statutory requirements for
13 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
14 Stipulation and Waiver.

15 This Order is effective immediately.

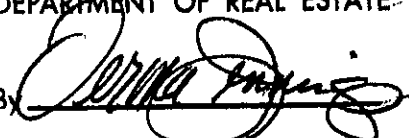
16 IT IS SO ORDERED

17 5/24/06
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19 Jeff Davi
20 Real Estate Commissioner
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SACD.

FILED
APR 28 2006
DEPARTMENT OF REAL ESTATE

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H-32751 LA
RAFAEL DE LOERA,	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RAFAEL DE LOERA (Respondent) is informed and alleges in her official capacity as follows:

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On or about January 31, 2005, Respondent applied to the Department of Real Estate of the State of California for a real estate broker license.

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2 II

3 On or about December 19, 1991, in the Municipal Court,
4 County of Los Angeles, State of California, Respondent was
5 convicted of violating Vehicle Code Section 23152(a) (driving
6 under the influence).

7 III

8 On or about April 28, 1993, in the Municipal Court of
9 California for the County of Los Angeles, Respondent was
10 convicted of violating Penal Code Section 242 (battery), a crime
11 involving moral turpitude.

12 IV

13 On or about May 13, 1993, in the Municipal Court of
14 California for the County of Los Angeles, Respondent was
15 convicted of violating Penal Code Section 148 (restrict officer),
16 a crime involving moral turpitude.

17 V

18 On or about April 12, 1996, in the Municipal Court of
19 California for the County of Los Angeles, Respondent was
20 convicted of violating Penal Code Section 242 (battery), a crime
21 involving moral turpitude.

22 VI

23 On or about June 9, 2003, in the Superior Court of
24 California for the County of Los Angeles, Respondent was
25 convicted of violating Vehicle Code Section 23152(a) (driving
26 under the influence).

VII

The matters described above in Paragraphs II through VI are substantially related to the functions, duties, and responsibilities of a real estate licensee.

VIII

The matters described in Paragraphs II through VI constitute cause for denial of Respondent's application for a real estate salesperson license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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 through 11528 of the Government Code.

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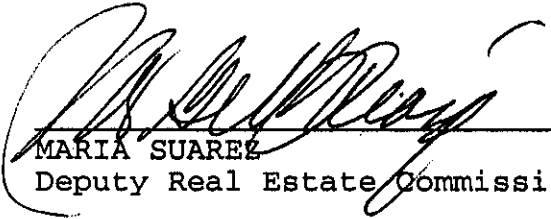
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent RAFAEL DE LOERA and for such other and
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California,

8 this 2nd day of December 2005.

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11 
12 MARIA SUAREZ

13 Deputy Real Estate Commissioner
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15 cc: Rafael De Loera
16 Maria Suarez
17 Sacto.
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