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JAN 03 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-33250 LA
)	
NEREO A. MARTINEZ,)	
)	
Respondent.)	
)	

ORDER GRANTING UNRESTRICTED LICENSE

On October 3, 2006, a Decision was rendered herein denying 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 December 2, 2006, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about June 8, 2010, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions:

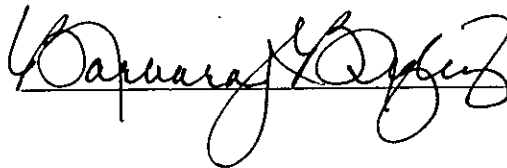
6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order.

12 This Order shall be effective immediately.

13 Dated: 9/28/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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

3 Telephone: (213) 576-6982

FILED

OCT 11 2006

DEPARTMENT OF REAL ESTATE

BY: Jane B. Brown

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 NEREO A. MARTINEZ,

13 Respondent

) No. H- 33250 LA

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

14
15 I, NEREO A. MARTINEZ, respondent herein, do hereby affirm that I have applied to the Department
16 of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all
17 of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on September 19, 2006, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson 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 salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

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

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

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

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

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

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

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 9-27-2006

4 Dated

Nereo A. Martinez

NEREO A. MARTINEZ, Respondent

5 * * *

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

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

14 This Order is effective immediately.

15 IT IS SO ORDERED

October 3, 2006

16 Jeff Davi
17 Real Estate Commissioner

18 By:

Dolores Weeks
19 DOLORES WEEKS
20 Regional Manager

Sachs

FILED

SEP 19 2006

KELVIN K. LEE, Counsel (SBN 152867)
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320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

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(Direct) (213) 576-6905

DEPARTMENT OF REAL ESTATE

BY: Laura B. Cron

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-33250 LA
NEREO A. MARTINEZ,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against NEREO A. MARTINEZ, ("Respondent"), is informed and alleges as follows:

1.

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

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 30, 2005, with the knowledge and understanding that any license issued as a result of said

1 application would be subject to the conditions of Business and
2 Professions Code ("Code") Section 10153.4.

3 CRIMINAL CONVICTIONS

4 3.

5 On or about May 19, 1999, in the Superior Court of
6 California, County of San Bernardino, in Case No. TWV26995,
7 Respondent was convicted of one (1) count each of violating
8 Section 23152(A) (Driving Under the Influence of Alcohol) and
9 Section 23152, subsection (B) of the California Vehicle Code,
10 (Driving With a Blood Alcohol Level of 0.08 Percent of Greater).
11 These crimes involve moral turpitude, and bear a substantial
12 relationship under Section 2910, Title 10, Chapter 6, California
13 Code of Regulations to the qualifications, functions or duties
14 of a real estate licensee.

15 4.

16 On or about September 2, 1993, in the Municipal Court
17 of California, County of San Bernardino, in Case No. FWV01917,
18 Respondent was convicted of one (1) count of violating Section
19 273.5(a) (Inflicting Corporal Injury Upon a Spouse of
20 Cohabitant). This crime involves moral turpitude, and bears a
21 substantial relationship under Section 2910, Title 10, Chapter
22 6, California Code of Regulations to the qualifications,
23 functions or duties of a real estate licensee.

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5.

The crimes of which Respondent was convicted, as described in Paragraphs 3 through 4, above, constitute cause for denial of Respondent's application for a real estate license under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

FAILURE TO REVEAL CONVICTIONS

6.

In response to Question 25 of his license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC VIOLATIONS, the Respondent answered "No" to this question, and failed to reveal the convictions listed in Paragraphs 3 and 4 above. This omission constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c), and/or 10177(a).

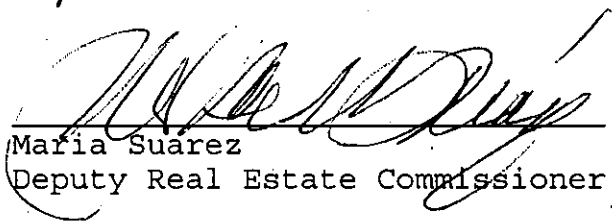
The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Profession Code of the State of California and Sections 11500 through 11528 of the Government Code.

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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, NEREO A. MARTINEZ, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California
this 19th day of September 2006.



Maria Suarez
Deputy Real Estate Commissioner

cc: Nereo A. Martinez
Maria Suarez
Sacto.