

Sacto filing

**FILED**

DEC 12 2011

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Application of ) No. H-33990 LA  
)  
NIKO G. DELEON, )  
)  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On August 9, 2007, 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 August 30, 2007 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about January 26, 2011, 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 requirements:

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: 11/17/11

14 BARBARA R. BIGBY  
15 Acting Real Estate Commissioner

16   
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

4 Telephone: (213)576-6982

**FILED**

AUG 20 2007

DEPARTMENT OF REAL ESTATE

BY: Laura B. Um

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9 *In the Matter of the Application of*

10 **NIKO G DELEON,**

11 Respondent

) No. H-33990 LA

) **STIPULATION AND WAIVER**

12 )  
13 )  
14 )  
15 I, NIKO G DELEON, respondent herein, do hereby affirm that I have applied to the Department of  
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of  
17 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 May 23, 2007, in connection with my application for a real estate  
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
23 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
25 showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand  
26 that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has  
27

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 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 unrestricted  
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.  
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or  
12 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 restricted  
14 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 right  
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to  
17 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 Estate  
21 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 until  
25 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 for  
8       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*  
13       *one* ☒ of the courses listed in Section 10153.2, other than real estate principles, advanced legal  
14       aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to  
15       timely present to the Department satisfactory evidence of successful completion of the two  
16       required courses, the restricted license shall be automatically suspended effective eighteen (18)  
17       months after the date of its issuance. Said suspension shall not be lifted unless, prior to the  
18       expiration of the restricted license, I have submitted the required evidence of course completion  
19       and the 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 to  
27       the Department a fax copy of his/her 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 the  
2 original signed Stipulation and Waiver.

3 6/4/07

4 Dated

Niko G DeLeon

NIKO G DELEON, Respondent

\*\*\*

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

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

13 This Order is effective immediately.

14 IT IS SO ORDERED J. G. Davi  
15

16 Jeff Davi  
17 Real Estate Commissioner

18 [Signature]  
19  
20  
21  
22  
23  
24  
25  
26  
27

JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6910

**FILED**

MAY 23 2007

DEPARTMENT OF REAL ESTATE  
BY: *James B. Demus*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-33990 LA  
)  
NIKO G. DELEON, ) STATEMENT OF ISSUES  
)  
Respondent. )

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against NIKO G. DELEON, a.k.a. Manuel Hernandez, ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about July 17, 2006, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

9  
0  
1  
2  
3  
4  
5  
6  
7

0  
1  
2  
3  
4  
5  
6  
7

5  
6  
7

6  
7

7



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

19  
20  
21  
22  
23  
24  
25  
26  
27

23  
24  
25  
26  
27

24  
25  
26  
27

25

26

27

26

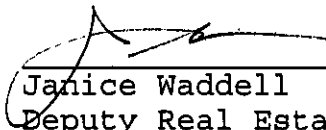
27

27

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

8 Dated at Los Angeles, California

9 this 16 day of May, 2007.

10  
11   
12 Janice Waddell  
13 Deputy Real Estate Commissioner  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25 cc: Niko G. DeLeon  
26 Janice Waddell  
27 Sacto.