

FILED
AUG 24 2007

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DEPARTMENT OF REAL ESTATE

By Jean Cremak

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

ELIZABETH ANNA SAIENNI

Respondent

No. H- 34122 LA

STIPULATION AND WAIVER

I, ELIZABETH ANNA SAIENNI, 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 July 19, 2007, 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

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

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

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

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

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

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

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
3 the original signed Stipulation and Waiver.

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5 8/9/07

6 Dated

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ELIZABETH ANNA SAIENNI, Respondent

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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED _____

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Jeff Davi
Real Estate Commissioner

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
3 the original signed Stipulation and Waiver.

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5 _____
6 Dated

ELIZABETH ANNA SAIENNI, Respondent

7 * * *

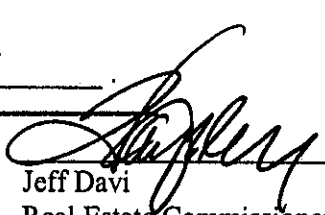
8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
9 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
10 truthfulness of respondent need not be called and that it will not be inimical to the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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED

8/24/2007

18 
19 Jeff Davi
Real Estate Commissioner

20 By WAYNE S. BELL
21 Chief Counsel

1 JAMES DEMUS, Counsel (SBN 225005)
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) 576-6910

FILED

JUL 19 2007

DEPARTMENT OF REAL ESTATE
BY: Jana B. Clow

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) NO. H-34122 LA
13 ELIZABETH ANNA SAIENNI,)
14 Respondent.)
15

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against ELIZABETH ANNA SAIENNI, ("Respondent"), is informed and
19 alleges in her official capacity as follows:

20 1.

21 On or about October 18, 2005, Respondent made
22 application to the Department of Real Estate of the State of
23 California for a real estate broker license.

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1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTION)

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4 2.

5 On or about March 8, 2004, Respondent was convicted in
6 the Superior Court of California, County of San Luis Obispo, in
7 Case No. M351691, of violating California Vehicle Code Section
8 14610(A)(1) (unlawful display of a fraudulent driver's license),
9 a misdemeanor. Said crime involves moral turpitude and bears a
10 substantial relationship under Section 2910, Title 10, Chapter
11 6, California Code of Regulations, to the qualifications,
12 functions or duties of a real estate licensee.

13 3.

14 The crime of which Respondent was convicted, as
15 alleged in Paragraph 2 above, constitutes cause for denial of
16 Respondent's application for a real estate license under
17 Business and Professions Code Sections 475(a)(2), 480(a), and
18 10177(b).

19 SECOND CAUSE FOR DENIAL

20 (FAILURE TO REVEAL CONVICTIONS)

21 4.

22 In response to Part D, Question 2 of the license
23 application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY
24 VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION
25 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC
26 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY
27

1 OFFENSE", Respondent failed to reveal the conviction described
2 in Paragraph 2 above.

3 5.

4 Respondent's failure to disclose the conviction, as
5 set forth in Paragraph 2 above, in her license application,
6 constitutes an attempt to procure a real estate license by
7 fraud, misrepresentation, or deceit, or by making a false
8 statement of material fact required to be revealed in said
9 application, which is grounds for denial of the issuance of a
10 license under Business and Professions Code Sections 475(a)(1),
11 480(c) and/or 10177(a).

12 These proceedings are brought under the provisions of
13 Section 10100, Division 4 of the Business and Professions Code
14 of the State of California and Sections 11500 through 11528 of
15 the California Government Code.

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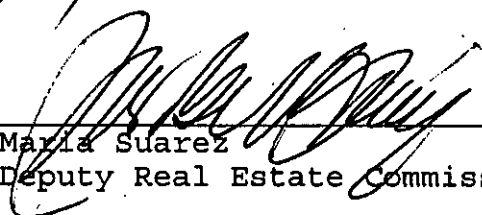
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson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

8 Dated at Los Angeles, California

9 this 17th day of July, 2007.

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13 Maria Suarez
14 Deputy Real Estate Commissioner
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25 cc: Elizabeth Anna Saienni
26 Maria Suarez
27 Sacto.