

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

3 Telephone: (213) 576-6982

FILED
MAY - 5 2008
DEPARTMENT OF REAL ESTATE

By Sandra B. Oron

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9 *In the Matter of the Application of*

10 ZENAIDA H. DELA CRUZ,

12 Respondent

) No. H-34520 LA
) L-2008010341

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

14
15 It is hereby stipulated by and between ZENAIDA H. DELA CRUZ (hereinafter "Respondent") and
16 Respondent's attorney, Frank M Buda , and the Complainant, acting by and through Martha J. Rosett ,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Statement of Issues filed on November 20, 2007 in this matter:

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

25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 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 to
4 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 estate
7 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
8 Code. Respondent understands that any such restricted license will be issued subject to and be limited by
9 Section 10153.4 of the Business and Professions Code.

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

16 Respondent further understands that the following conditions, limitations, and restrictions will attach to
17 a restricted license issued by the Department of Real Estate pursuant hereto:

- 18 1. The license shall not confer any property right in the privileges to be exercised including the right
19 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
20 exercise any privileges granted under this restricted license in the event of:
 - 21 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
22 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 23 b. The receipt of evidence that Respondent has violated provisions of the California Real
24 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
25 conditions attaching to this restricted license.

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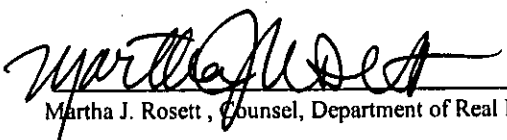
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- 1 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
2 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
3 until two years have elapsed from the date of issuance of the restricted license to Respondent.
- 4 3. With the application for license, or with the application for transfer to a new employing broker,
5 Respondent shall submit a statement signed by the prospective employing broker on a form
6 approved by the Department of Real Estate wherein the employing broker shall certify as 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 for
11 which a license is required.
- 12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15 the Commissioner of successful completion, at an accredited institution, of a course in real estate
16 practices and one of the courses listed in Section 10153.2, other than real estate principles,
17 advanced legal aspects of real estate, advanced real estate finance, or advanced real estate
18 appraisal. If Respondent fails to timely present to the Department satisfactory evidence of
19 successful completion of the two required courses, the restricted license shall be automatically
20 suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not
21 be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the
22 required evidence of course completion and the Commissioner has given written notice to
23 Respondent of the lifting of the suspension.
- 24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
27 until four years after the date of the issuance of the preceding restricted license.

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3/12/08

Dated



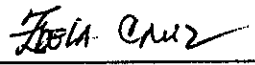
Martha J. Rosett, Counsel, Department of Real Estate

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

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

2-29-08

Dated

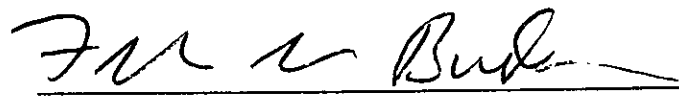


ZENAIDA H. DELA CRUZ, Respondent

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

3-3-08

Dated



FRANK M. BUDA, Attorney for Respondent

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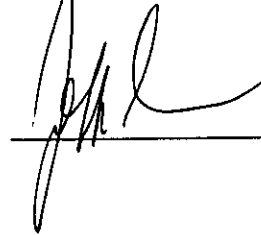
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2 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
3 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
4 truthfulness of Respondent need not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

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

10 This Order is effective immediately.

11 IT IS SO ORDERED 4/30/08

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13 Jeff Davi
14 Real Estate Commissioner
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J. J. J.

FILED
NOV 20 2007
DEPARTMENT OF REAL ESTATE

MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

Laura B. [Signature]

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(213) 576-6982
(213) 620-6430

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-34520 LA
ZENAIDA H. DELA CRUZ,	<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 ZENAIDA H. DELA CRUZ (hereinafter "Respondent"), alleges in her official capacity as follows:

1.

On or about October 18, 2005, 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 Business and Professions Code (hereinafter "Code").

1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled 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 ZENAIDA H. DELA CRUZ and for such other and
10 further relief as may be proper under the law.

11 Dated at Los Angeles, California
12 this 16th day of December, 2007.

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15 
16 _____
17 Maria Suarez
18 Deputy Real Estate Commissioner
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23 cc: Zenaida H. Dela Cruz
24 Valentina Jimov
25 Maria Suarez
26 Sacto.
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