

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

3 Telephone: (213) 576-6982

FILED
JUN - 2 2008
DEPARTMENT OF REAL ESTATE

K. Kueberholt

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 FRANCISCO HUMBERTO RODRIGUEZ,

13 Respondent

)
) No. H- 34735 LA
)
)

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

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

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on March 10, 2008, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 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.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or 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 including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges 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 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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 his 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.

Dated

FRANCISCO HUMBERTO RODRIGUEZ, Respondent

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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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 his 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.

4/9/08
Dated


FRANCISCO HUMBERTO RODRIGUEZ, Respondent

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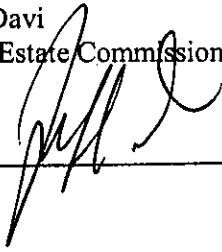
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public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

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

This Order is effective immediately.

IT IS SO ORDERED 5-29-08

Jeff Davi
Real Estate Commissioner



*Photo
JES*

SHARI SVENINGSON, Counsel (SBN 195298)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

FILED
MAR 10 2008
DEPARTMENT OF REAL ESTATE

Telephone: (213) 576-6982
(Direct) (213) 576-6907

K. Wiederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-34735 LA
)	
FRANCISCO HUMBERTO RODRIGUEZ,)	
)	<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 FRANCISCO HUMBERTO RODRIGUEZ, ("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.

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2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate salesperson
3 license on or about June 1, 2007.
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3.

5 (PRIOR DISCIPLINE)
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7 Respondent was previously licensed by the Department
8 from December 29, 1993 to October 31, 2004 as a real estate
9 salesperson. Effective June 12, 1995, Respondent's real estate
10 license was revoked and a restricted license was issued, in Case
11 No. H-25920 LA, due to the failure to disclose the conviction
12 listed in paragraph 4, below in his application for a real
13 estate license.
14

15 Effective April 11, 2000, Respondent's restricted
16 license was reinstated upon satisfaction of certain conditions.
17 Effective October 31, 2004, Respondent's real estate license
18 expired.

19 (CRIMINAL CONVICTION)
20

4.

21 On or about July 25, 1990, in the California Superior
22 Court, County of Los Angeles, in Case no. 90MO4492, Respondent
23 was convicted of violating Penal Code 484(a) (Theft of Personal
24 Property), a misdemeanor. The underlying facts of this criminal
25 conviction involves moral turpitude, which bears a substantial
26 relationship under Title 10, Chapter 6, Section 2910, California
27

1 Code of Regulations, to the qualifications, functions or duties
2 of a real estate licensee.

3 5.

4 The crime of which Respondent was convicted, as
5 alleged herein above in Paragraphs 4, constitutes cause for
6 denial of Respondent's application for a real estate license
7 under Business and Professions Code Sections 475(a)(2);
8 480(a)(1); and/or 10177(b).

9 6.

10 (FAILURE TO REVEAL CONVICTION)

11
12 In response to Question 25 of his license application,
13 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
14 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
15 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
16 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent
17 answered "YES", but failed to reveal the conviction described in
18 Paragraph 4, above.

19 7.

20 Respondent's failure to reveal the conviction set
21 forth herein in Paragraph 4, above, in his license application,
22 constitutes, knowingly making a false statement of material fact
23 required to be revealed in said application, which is grounds
24 for denial of the issuance of a license under Business and
25 Professions Code Sections 480(c) and 10177(a).

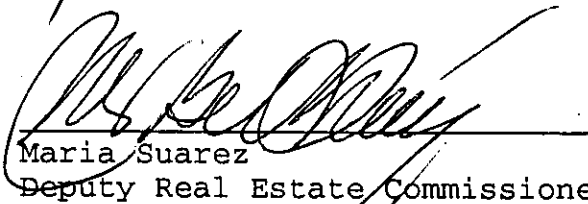
26 The Statement of Issues is brought under the
27 provisions of Section 10100, Division 4 of the Business and

1 Professions Code of the State of California and Sections 11500
2 and 11529 of the Government Code.

3 WHEREFORE, Complainant prays that the above entitled
4 matter be set for hearing and, upon proof of the charges
5 contained herein, that the Commissioner refuse to authorize the
6 issuance of, and deny the issuance of, a real estate salesperson
7 license to Respondent, FRANCISCO HUMBERTO RODRIGUEZ, and for
8 such other and further relief as may be proper in the premises.
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10 Dated at Los Angeles, California

11 This 10th day of March, 2008.

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14 
15 Maria Suarez
16 Deputy Real Estate Commissioner
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24 Cc: FRANCISCO HUMBERTO RODRIGUEZ
25 Caliche, Inc.
26 Maria Suarez
27 Sacto.