

FILED
APR 11 2000
DEPARTMENT OF REAL ESTATE
By Sandra B. [Signature]

DEPARTMENT OF REAL ESTATE

By James B. Dunn

In the Matter of the Application of

) No. H-34771 LA

Respondent

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 March 27, 2008 , in connection with my application for a real estate salesperson 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 salesperson 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 salesperson license. I

1 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
2 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
3 issuance to me of an unrestricted real estate salesperson 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 salesperson license
6 to me under the authority of Section 10156.5 of the Business and Professions Code.

7 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
8 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
9 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
10 However, 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 restricted
13 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 including the right
15 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
16 exercise any privileges 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 Estate
20 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 3. With the application for license, or with the application for transfer to a new employing broker, I
26 shall submit a statement signed by the prospective employing broker on a form approved by the
27 Department of Real Estate wherein the employing broker shall certify as follows:

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

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
8 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to
9 the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of
10 the faxed copy by the Department shall be as binding on Respondent as if the Department had received the
11 original signed Stipulation and Waiver.

12
13 4/4/08

14 Dated

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SCOTT M BALLERAS, 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 SCOTT M BALLERAS 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

April 11, 2008

Jeff Davi
Real Estate Commissioner

By:

Dolores Weeks

DOLORES WEEKS
Regional Manager

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

Telephone: (213) 576-6982
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FILED
MAR 27 2008
DEPARTMENT OF REAL ESTATE

By Laura B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-34771 LA
SCOTT M. BALLERAS,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against SCOTT M. BALLERAS, ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about March 12, 2007, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

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1 FIRST CAUSE FOR DENIAL
2 (CRIMINAL CONVICTIONS)

3 2.

4 In aggravation, on or about July 31, 1997, Respondent
5 was convicted in the Superior Court of California, County of
6 Orange, Case No. 97NT1364, for violating California Vehicle Code
7 Section 14601.5(a) (driving with a suspended license), a
8 misdemeanor.

9 3.

10 On or about June 22, 1999, Respondent was convicted in
11 the San Luis Obispo County Superior Court, State of California,
12 Case No. M000283011, for violating California Vehicle Code
13 Section 4462.5 (display on vehicle of unlawful registration), a
14 misdemeanor. Said crime involves moral turpitude and bears a
15 substantial relationship under Section 2910, Title 10, Chapter
16 6, California Code of Regulations, to the qualifications,
17 functions or duties of a real estate licensee.

18 4.

19 In aggravation, on or about July 29, 2003, Respondent
20 was convicted in the Superior Court of California, County of
21 Orange, Case No. 03CM03576, for violating California Vehicle
22 Code Sections 23152(b) (driving with a blood alcohol level of
23 .08% or more) and 14601.5 (driving on a suspended license), both
24 misdemeanors.

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1 5.

2 In aggravation, on or about August 20, 2003,
3 Respondent was convicted in the Superior Court of California,
4 County of Orange, Case No. 02WM07214, for violating California
5 Vehicle Code Section 23152(a) (driving under the influence of
6 alcohol or drugs), a misdemeanor.

7 6.

8 The crime of which Respondent was convicted, as
9 alleged in Paragraph 3 above, constitutes cause for denial of
10 Respondent's application for a real estate license under
11 Business and Professions Code Sections 475(a)(2), 480(a) and
12 10177(b).

13 SECOND CAUSE FOR DENIAL

14 (FAILURE TO REVEAL CONVICTION)

15 7.

16 In response to Question 25 of the license application,
17 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
18 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
19 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
20 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent
21 failed to reveal the conviction described in Paragraph 3 above.

22 8.

23 Respondent's failure to disclose the conviction, as
24 set forth in Paragraph 3 above, in his license application,
25 constitutes an attempt to procure a real estate license by
26 fraud, misrepresentation, or deceit, or by making a false
27 statement of material fact required to be revealed in said

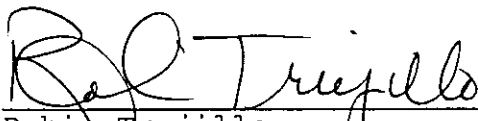
1 application, which is grounds for denial of the issuance of a
2 license under Business and Professions Code Sections 475(a)(1),
3 480(c) and 10177(a).

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

8 WHEREFORE, the Complainant prays that the above-
9 entitled matter be set for hearing and, upon proof of the
10 charges contained herein, that the Commissioner refuse to
11 authorize the issuance of, and deny the issuance of, a real
12 estate salesperson license to Respondent, SCOTT M. BALLERAS, and
13 for such other and further relief as may be proper in the
14 premises.

15 Dated at Los Angeles, California

16 this 25 day of March, 2008.

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18 
19 Robin Trujillo
20 Deputy Real Estate Commissioner
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23
24

25 cc: Scott M. Balleras
26 RDY Corporation
27 Robin Trujillo
Sacto.