

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

4 Telephone: (213) 576-6982

FILED
JUL 16 2008
DEPARTMENT OF REAL ESTATE
By *Samuel B. Sun*

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

10	<i>In the Matter of the Application of</i>)	No. H-34947 LA
11	JIAN MONTALVO,)	STIPULATION AND WAIVER
12)	
13	Respondent.)	

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15 I, JIAN MONTALVO, respondent herein, do hereby affirm that I have applied to the Department
16 of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied
17 all of 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
19 Respondent filed by the Department of Real Estate on May 20, 2008, in connection with my application
20 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing
21 on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and
22 to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a
23 restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that
24 by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me
25 to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson
26 license. I further understand that by entering into this stipulation and waiver I will be stipulating that the
27 Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the

1 denial of the issuance to me of an unrestricted real estate salesperson license.

2 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct
3 and request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson
4 license to me under the authority of Section 10156.5 of the Business and Professions Code. I understand
5 that any such restricted license will be issued subject to and be limited by Section 10153.4 of the
6 Business and Professions Code.

7 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and
8 the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
9 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
10 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
11 restricted or 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 including the
15 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the
16 right to 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
18 bears a substantial relationship to respondent's fitness or capacity as a real estate
19 licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner
22 or 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
25 license until three years have elapsed from the date of issuance of the restricted license to
26 respondent.
- 27 3. With the application for license, or with the application for transfer to a new employing

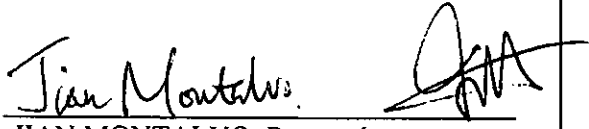
1 broker, I shall submit a statement signed by the prospective employing broker on a form
2 approved by the Department of Real Estate wherein the employing broker shall certify as
3 follows:

- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of
5 the restricted license; and
6 b. That broker will carefully review all transaction documents prepared by the
7 restricted licensee and otherwise exercise close supervision over the licensee's
8 performance of acts for 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)
11 months of the issuance of the restricted license to, submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of a course in real
13 estate practices and one of the courses listed in Section 10153.2, other than real estate
14 principles, advanced legal aspects of real estate, advanced real estate finance or advanced
15 real estate appraisal. If I fail to timely present to the Department satisfactory evidence of
16 successful completion of the two required courses, the restricted license shall be
17 automatically suspended effective eighteen (18) months after the date of its issuance. Said
18 suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
19 submitted the required evidence of course completion and the Commissioner has given
20 written notice to me of the lifting of the suspension.
- 21 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
22 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
23 entitled to the issuance of another license which is subject to Section 10153.4 until four
24 years after the date of the issuance of the preceding restricted license.
- 25 6. Respondent can signify acceptance and approval of the terms and conditions of this
26 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
27 respondent, to the Department at the following telephone/fax number: (213) 576-6917.

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

5 DATED 6/02/08

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7 
8 JIAN MONTALVO, Respondent

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

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

17 This Order is effective immediately.

18 IT IS SO ORDERED

19 7/8/08

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22 JEFF DAVI
23 Real Estate Commissioner
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*Sueto
Jae*

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

FILED
MAY 20 2008
DEPARTMENT OF REAL ESTATE

By James B. Demus

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-34947 LA
JIAN MONTALVO,) <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 JIAN MONTALVO, ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about September 10, 2007, 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.

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2.

On or about October 26, 2004, Respondent was convicted in the Superior Court of California, County of Los Angeles, Case No. 4AL03996, for violating California Penal Code Section 487(a) (grand theft: property over \$400), a misdemeanor. Said crime involves moral turpitude and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

3.

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

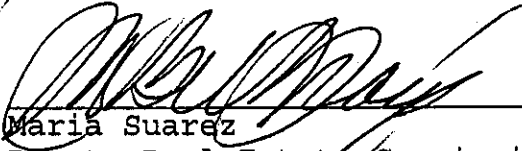
These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

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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, JIAN MONTALVO, and for
6 such other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this 14th day of May, 2008.

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10 
11 Maria Suarez
12 Deputy Real Estate Commissioner
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25 cc: Jian Montalvo
26 DG Real Estate, Inc.
27 Maria Suarez
Sacto.