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FILED

APR - 6 2010

DEPARTMENT OF REAL ESTATE
BY: *Handwritten signature*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-35410 LA
EDWIN JOEVANNI MORAN,)
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: EDWIN JOEVANNI MORAN
4046 Harnett Avenue
El Monte, CA 91732

On April 8, 2009, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Department of Real Estate Decision in Case No. H-35410 LA. This Decision, which became effective April 8, 2009, granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and

1 restrictions imposed under authority of Section 10156.6 of said
2 Code. Among those terms, conditions and restrictions, Respondent
3 was required to submit, within nine (9) months from the effective
4 date of this Decision, evidence satisfactory to the Commissioner
5 that Respondent has, since the most recent issuance of an
6 original or renewal real estate salesperson license, taken and
7 successfully completed the continuing education requirements of
8 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
9 real estate salesperson license. The Commissioner has determined
10 that Respondent has violated this condition, and as such, is in
11 violation of Section 10177(k) of the Business and Professions
12 Code.

13 NOW, THEREFORE, IT IS ORDERED under authority of
14 Section 10156.7 of the Business and Professions Code of the State
15 of California that the restricted real estate salesperson license
16 heretofore issued to Respondent and the exercise of any
17 privileges thereunder are hereby suspended pending final
18 determination made after hearing (see Hearing Rights set forth
19 below).

20 IT IS FURTHER ORDERED that all license certificates and
21 identification cards issued by Department which are in the
22 possession of Respondent be immediately surrendered by personal
23 delivery or by mailing in the enclosed, self-addressed envelope
24 to:

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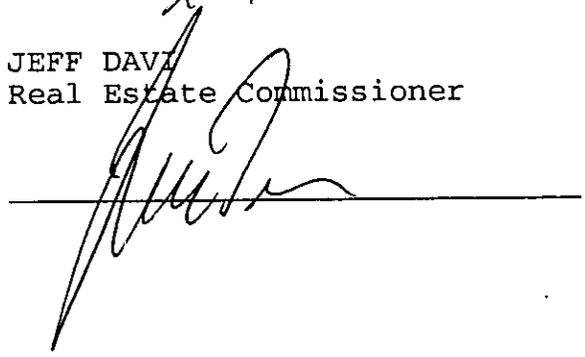
Department of Real Estate
Attn: Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

HEARING RIGHTS: Pursuant to the provisions of Section 10156.7 of the Business and Professions Code, you have the right to a hearing to contest the Commissioner's determination that you are in violation of Section 10177(k). If you desire a hearing, you must submit a written request. The request may be in any form, as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 320 W. 4th Street, Room 350, Los Angeles California, within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: 3/21/2005

JEFF DAVIS
Real Estate Commissioner



1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On November 6, 2008, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations
18 in the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation and Agreement ("Stipulation") is
20 based on the factual allegations contained in the Accusation
21 filed in this proceeding. In the interest of expedience and
22 economy, Respondent chooses not to contest these factual
23 allegations, but to remain silent and understands that, as a
24 result thereof, these factual statements, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27 not be required to provide further evidence to prove such

1 Professions Code.

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and licensing rights of Respondent EDWIN
5 JOEVANNI MORAN under the Real Estate Law are revoked; provided,
6 however, a restricted real estate salesperson license shall be
7 issued to Respondent pursuant to Section 10156.5 of the Business
8 and Professions Code if Respondent makes application therefor and
9 pays to the Department of Real Estate the appropriate fee for the
10 restricted license within 90 days from the effective date of this
11 Decision. The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the
13 Business and Professions Code and to the following limitations,
14 conditions and restrictions imposed under authority of Section
15 10156.6 of that Code:

16 1. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner in the event of Respondent's conviction or plea of
19 nolo contendere to a crime which is substantially related to
20 Respondent's fitness or capacity as a real estate licensee.

21 2. The restricted license issued to Respondent may
22 be suspended prior to hearing by Order of the Real Estate
23 Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate
25 Law, the Subdivided Lands Law, Regulations of the Real Estate
26 Commissioner or conditions attaching to the restricted license.

27

1 3. Respondent shall not be eligible to apply for
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions
4 of a restricted license until two (2) years have elapsed from the
5 effective date of issuance of this Decision.

6 4. Respondent shall submit with any application for
7 license under an employing broker, or any application for
8 transfer to a new employing broker, a statement signed by the
9 prospective employing broker on a form approved by the Department
10 of Real Estate which shall certify:

11 (a) That the employing broker has read the Decision of
12 the Commissioner which granted the right to a restricted license;
13 and

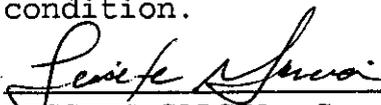
14 (b) That the employing broker will exercise close
15 supervision over the performance by the restricted licensee
16 relating to activities for which a real estate license is
17 required.

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory to
20 the Real Estate Commissioner that Respondent has, since the most
21 recent issuance of an original or renewal real estate license,
22 taken and successfully completed the continuing education
23 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
24 for renewal of a real estate license. If Respondent fails to
25 satisfy this condition, the Commissioner may order the suspension
26 of the restricted license until the Respondent presents such
27 evidence. The Commissioner shall afford Respondent the

1 opportunity for a hearing pursuant to the Administrative
2 Procedure Act to present such evidence.

3 6. Respondent shall provide proof acceptable to the
4 Real Estate Commissioner that, for a total duration of six (6)
5 months after the issuance of the restricted license, Respondent
6 has attended one or more sessions, each and every month, of
7 Alcoholics Anonymous or similar 12 Step or substance abuse
8 program, or that such attendance in any month was impractical
9 due to travel for work, the illness of Respondent or a member
10 of Respondent's family, vacation, incarceration, residential
11 treatment for substance abuse, extreme personal hardship for
12 Respondent or a member of Respondent's family, or family
13 emergency. Respondent shall submit proof to the Los Angeles
14 Crisis Response Team Manager of the Department of Real Estate.
15 The Commissioner may suspend the restricted license issued to
16 Respondent pending a hearing held in accordance with Section
17 11500, et seq., of the Government Code, if such proof is not
18 timely submitted as provided for herein, or as provided for in
19 a subsequent agreement between the Respondent and the
20 Commissioner. The suspension shall remain in effect until such
21 proof is submitted or until Respondent enters into an agreement
22 satisfactory to the Commissioner to provide such proof, or
23 until a decision providing otherwise is adopted following a
24 hearing held pursuant to this condition.

25 DATED: 2/26/09


26 LISSETE GARCIA, Counsel for
27 Complainant, Department of
Real Estate

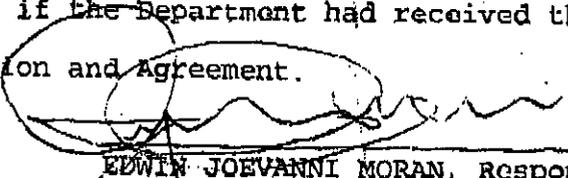
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* * *

I have read the Stipulation and Agreement and 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing 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 Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/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 Agreement, 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 Agreement.

DATED: 02/26/09



EDWIN JOEVANNI MORAN, Respondent

DATED: 2-23-09



FRANK M. BUDA, ESQ., Attorney for Respondent, Approved as to Form

* * *

1
2 I have read the Stipulation and Agreement and have
3 discussed it with my counsel, and its terms are understood by me
4 and are agreeable and acceptable to me. I understand that I am
5 waiving rights given to me by the California Administrative
6 Procedure Act (including but not limited to Sections 11506,
7 11508, 11509 and 11513 of the Government Code), and I willingly,
8 intelligently and voluntarily waive those rights, including the
9 right of requiring the Commissioner to prove the allegations in
10 the Accusation at a hearing at which I would have the right to
11 cross-examine witnesses against me and to present evidence in
12 defense and mitigation of the charges.

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of the signature page, as actually signed by Respondent,
16 to the Department at the following telephone/fax number: (213)
17 576-6917. Respondent agrees, acknowledges and understands that
18 by electronically sending to the Department a fax copy of his
19 actual signature as it appears on the Stipulation and Agreement,
20 that receipt of the faxed copy by the Department shall be as
21 binding on Respondent as if the Department had received the
22 original signed Stipulation and Agreement.

23 DATED: _____

EDWIN JOEVANNI MORAN, Respondent

24
25 DATED: _____

FRANK M. BUDA, ESQ., Attorney for
Respondent, Approved as to Form

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on APRIL 8, 2009.

IT IS SO ORDERED _____ 3/12/09.

JEFF DAVI
Real Estate Commissioner



1 restrictions imposed under authority of Section 10156.5 of said
2 Code. Among those terms, conditions and restrictions, Respondent
3 was required to submit proof of ongoing participation in a
4 recognized drug and alcohol diversion program on a quarterly
5 basis during the term of any restricted license.

6 On October 24, 2008, in Case No. H-35410 LA, an
7 Accusation by a Deputy Real Estate Commissioner of the State of
8 California was filed charging Respondent with a violation of Code
9 Section 10177(k) in that Respondent has failed to provide
10 quarterly reports of participation in a recognized drug and
11 alcohol diversion program for the quarters ending September and
12 December 2006; March, June, September and December 2007; and
13 March and June 2008.

14 NOW, THEREFORE, IT IS ORDERED under authority of
15 Section 10156.7 of the Business and Professions Code of the State
16 of California that the restricted real estate salesperson license
17 heretofore issued to Respondent and the exercise of any
18 privileges thereunder is hereby suspended pending final
19 determination made after the hearing on the aforesaid Accusation.

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IT IS FURTHER ORDERED that all license certificates and identification cards issued by the Department which are in the possession of Respondent be immediately surrendered by personal delivery or by mailing in the enclosed, self-addressed envelope to:

Department of Real Estate
Attn: Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall be effective immediately.

DATED: 10/31/08

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 LISSETE GARCIA, Counsel (SBN 211552)
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) 576-6914

FILED
OCT. 24, 2008
DEPARTMENT OF REAL ESTATE

By C. B.

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35410 LA
12 EDWIN JOEVANNI MORAN,) A C C U S A T I O N
13 Respondent.)
14 _____)

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EDWIN JOEVANNI MORAN ("Respondent"), is informed and
18 alleges in her official capacity as follows:

19 I

20 Respondent is presently licensed by the Department of
21 Real Estate of the State of California ("Department") as a
22 restricted real estate salesperson under the Real Estate Law,
23 Part 1 of Division 4 of the California Business and Professions
24 Code ("Code").

25 ///

26 ///

II

1 On or about January 11, 2005, Respondent was first
2 issued a restricted real estate salesperson license by the
3 Department on the terms, conditions and restrictions set forth
4 in the Real Estate Commissioner's Order in Case No. H-30972 LA.
5

6 III

7 Included in said terms, conditions, and restrictions,
8 were the following:

9 "5. During the term of any restricted
10 license, Respondent shall submit to the
11 Department of Real Estate as of the last day
12 of each March, June, September and December,
13 proof satisfactory to the Real Estate
14 Commissioner of Respondent's ongoing
15 participation in a recognized drug and
16 alcohol diversion program. Said proof shall
17 be submitted to the Manager of the Crisis
18 Response Team at the Los Angeles Office of
19 the Department of Real Estate and shall be
20 verified as true and accurate by Respondent
21 under penalty of perjury.

22 The Commissioner may suspend the restricted
23 license issued to Respondent pending a
24 hearing held in accordance with Section 11500
25 et seq., of the Government Code, if such
26 proof is not timely submitted as provided for
27 herein, or as provided for in a subsequent
agreement between the Respondent and the
Commissioner. The suspension shall remain in
effect until such proof is submitted or until
Respondent enters into an agreement
satisfactory to the Commissioner to provide
such proof, or until a decision providing
otherwise is adopted following a hearing held
pursuant to this condition."

IV

26 Respondent has failed to submit proof of participation
27 in a recognized drug and alcohol diversion program for the

1 quarters ending September and December 2006; March, June,
2 September and December 2007; and March and June 2008.

3 V

4 The facts set forth above are grounds for the
5 suspension or revocation of Respondent's restricted real estate
6 salesperson license and all license rights under Code Section
7 10177(k).

8 WHEREFORE, Complainant prays that a hearing be
9 conducted on the allegations of this Accusation and, that upon
10 proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and/or license rights of Respondent,
12 EDWIN JOEVANNI MORAN, under the Real Estate Law (Part 1 of
13 Division 4 of the Business and Professions Code) and for such
14 other and further relief as may be proper under other applicable
15 provisions of law.

16 Dated at Los Angeles, California

17 this 22 day of October, 2008.

19
20 
21 Deputy Real Estate Commissioner

22
23
24 cc: Edwin Joevanni Moran
25 Robin Trujillo
26 Sacto.
27