

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

FILED
APR - 6 2009
DEPARTMENT OF REAL ESTATE

4 Telephone: (213)576-6982

By Sam B. Dean

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9 *In the Matter of the Application of*

10 VELIA BAUTISTA,

11 Respondent

) No. H-35767 LA
)
) **STIPULATION AND WAIVER**
)
)
)
)
)
)
)
)

15 I, VELIA BAUTISTA, respondent herein, do hereby affirm that I have applied to the Department of
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of
17 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 Respondent
19 filed by the Department of Real Estate on March 11, 2009, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

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

13 I further understand that the following conditions, limitations, and restrictions will attach to a restricted
14 license issued by the Department of Real Estate pursuant hereto:

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

26 ///

27 ///

- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts for
8 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) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of *a course in real estate practices and*
13 *one* of the courses listed in Section 10153.2, other than real estate principles, advanced legal
14 aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to
15 timely present to the Department satisfactory evidence of successful completion of the two
16 required courses, the restricted license shall be automatically suspended effective eighteen (18)
17 months after the date of its issuance. Said suspension shall not be lifted unless, prior to the
18 expiration of the restricted license, I have submitted the required evidence of course completion
19 and the Commissioner has given written notice to Respondent of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

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

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received the
2 original signed Stipulation and Waiver.

3 3-30-09

4 Dated

Velia Bautista

5 VELIA BAUTISTA, Respondent

6 * * *

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

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

15 This Order is effective immediately.

16 IT IS SO ORDERED

17 April 2, 2009

18 Jeff Davi
19 Real Estate Commissioner

20 BY:

Dolores Weeks

21 DOLORÉS WEEKS
22 Regional Manager

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FIRST CAUSE FOR DENIAL

(CRIMINAL CONVICTION)

2.

On or about June 15, 1984, Respondent was convicted in the County of San Diego, State of California, Case No. M470163, for violating California Penal Code Section 602(j) (trespass - injury to property), a misdemeanor. The facts underlying said crime involve moral turpitude a bear 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).

SECOND CAUSE FOR DENIAL

(FAILURE TO REVEAL LICENSE DENIAL)

4.

In response to Question 25 of the license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent failed to reveal the conviction described in Paragraph 2 above.

1
2 Respondent's failure to disclose the conviction, as
3 set forth in Paragraph 2 above, in her license application,
4 constitutes an attempt to procure a real estate license by
5 fraud, misrepresentation, or deceit, or by making a false
6 statement of material fact required to be revealed in said
7 application, which is grounds for denial of the issuance of a
8 license under Business and Professions Code Sections 475(a)(1),
9 480(c) and 10177(a).

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

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

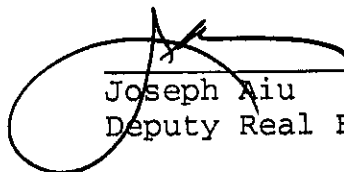
27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, VELIA BAUTISTA, and for such other and further relief as may be proper in the premises.

Dated at San Diego, California

this 5 day of March, 2009.



Joseph Aiu
Deputy Real Estate Commissioner

cc: Velia Bautista
Mulhearn Realtors
Joseph Aiu
Sacto.