

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

3 Telephone: (213) 576-6982  
4

**FILED**  
APR 13 2009  
DEPARTMENT OF REAL ESTATE

*[Handwritten Signature]*

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

9  
10 *In the Matter of the Application of*

11 **GUILLERMO GARCIA,**

12  
13 Respondent  
14

)  
) No. H- 35792 LA  
)  
)

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

15 I, GUILLERMO GARCIA, 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 all  
17 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 Respondent  
19 filed by the Department of Real Estate on March 19, 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  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or 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  
14 restricted 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  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to 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  
21 Estate 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  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
26  
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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  
8           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) 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 one of  
13           the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14           real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15           present to the Department satisfactory evidence of successful completion of the two required  
16           courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17           after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18           the restricted license, I have submitted the required evidence of course completion and the  
19           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  
27           to the Department a fax copy of his 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  
2 the original signed Stipulation and Waiver.

3 3/20/09  
4 Dated

  
5 GUILLERMO GARCIA, Respondent

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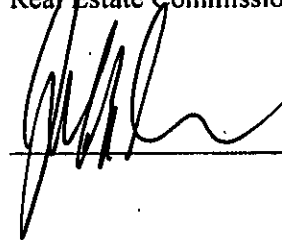
7 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
8 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
9 truthfulness of respondent need not be called and that it will not be inimical to 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 GUILLERMO GARCIA if respondent has otherwise fulfilled all of the statutory requirements  
13 for 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 4.8.09

17 Jeff Davi  
18 Real Estate Commissioner



SHARI SVENINGSON, Counsel (SBN 195298)  
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**FILED**  
MAR 19 2009  
DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	NO. H-35792 LA
	)	
GUILLERMO GARCIA,	)	
	)	<u>STATEMENT OF ISSUES</u>
	)	
Respondent.	)	
	)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against GUILLERMO GARCIA, ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, 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  
2 Respondent made application to the Department of Real  
3 Estate of the State of California for a real estate salesperson  
4 license on or about September 28, 2007, with the knowledge and  
5 understanding that any license issued as a result of said  
6 application would be subject to the conditions of Business and  
7 Professions Code ("Code") Section 10153.4.

8 (CRIMINAL CONVICTIONS)

9  
10 3.

11 On or about January 17, 1996, in the Superior Court of  
12 California, County of Los Angeles, in case no. KA029425,  
13 Respondent was convicted of violating Vehicle Code Section  
14 23152(a) and 23152(b) (DUI), a felony. This crime involves moral  
15 turpitude, which bears a substantial relationship under Section  
16 2910, Title 10, Chapter 6, California Code of Regulations to the  
17 qualifications, functions or duties of a real estate licensee.

18 4.

19 On or about April 6, 2000, in the Superior Court of  
20 California, County of Los Angeles, in case no. 9CR07846,  
21 Respondent was convicted of violating Penal Code Section  
22 166(a)(4) (Contempt/Disobey Court Order), a misdemeanor. This  
23 crime involves moral turpitude, which bears a substantial  
24 relationship under Section 2910, Title 10, Chapter 6, California  
25 Code of Regulations to the qualifications, functions or duties  
26 of a real estate licensee.  
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5.

1  
2 On or about May 11, 2000, in the Superior Court of  
3 California, County of Los Angeles, in case no. KA048098,  
4 Respondent was convicted of violating Vehicle Code Sections  
5 23152(b) (DUI) and 20002(a) (Hit and Run With Property Damage),  
6 both misdemeanors. These crimes involve moral turpitude, which  
7 bear a substantial relationship under Section 2910, Title 10,  
8 Chapter 6, California Code of Regulations to the qualifications,  
9 functions or duties of a real estate licensee.

10  
11 6.

12 In aggravation, on or about March 9, 2000, in the  
13 Superior Court of California, County of Los Angeles, in case no.  
14 8WH0057, Respondent was convicted of violating Vehicle Code  
15 Section 14601.2(a) (Drive With Suspended License), a misdemeanor.

16  
17 7.

18 In aggravation, on or about May 28, 2004, in the  
19 Superior Court of California, County of Los Angeles, in case no.  
20 4RH01135, Respondent was convicted of violating Vehicle Code  
21 Section 14601.1(a) (Drive With Suspended License), a misdemeanor.

22  
23 8.

24 The crimes of which Respondent was convicted, as  
25 alleged herein above in Paragraphs 3 through 5 constitute cause  
26 for denial of Respondent's application for a real estate license  
27 under Business and Professions Code Sections 475(a)(2);  
480(a)(1); 10177(b); and/or 10177(f).

1 The Statement of Issues is brought under the  
2 provisions of Section 10100, Division 4 of the Business and  
3 Professions Code of the State of California and Sections 11500  
4 and 11529 of the Government Code.

5 WHEREFORE, Complainant prays that the above entitled  
6 matter be set for hearing and, upon proof of the charges  
7 contained herein, that the Commissioner refuse to authorize the  
8 issuance of, and deny the issuance of, a real estate salesperson  
9 license to Respondent, GUILLERMO GARCIA, and for such other and  
10 further relief as may be proper in the premises.

11  
12 Dated at Los Angeles, California

13 This 18 day of March, 2009.

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16 \_\_\_\_\_  
17 Robin Trujillo  
18 Deputy Real Estate Commissioner  
19  
20  
21  
22  
23  
24

25 Cc: GUILLERMO GARCIA  
26 Housekey Financial Services, Inc.  
27 Robin Trujillo  
Sacto.