

FILED

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

JAN 24 2011

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: [Signature]

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7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 HENRY URSUA SALDIVAR

12
13 Respondent

)
) No. H- 36634 LA

)
) STIPULATION AND
) WAIVER

14
15 It is hereby stipulated by and between HENRY URSUA SALDIVAR, (hereinafter "Respondent") and
16 Respondent's attorney, ROBERT CRAMER, and the Complainant, acting by and through AMELIA
17 VETRONE, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
18 of the Statement of Issues filed on May 12, 2010 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

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

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
20 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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

7 12/09/10
8 Dated

Henry Ursua Saldivar
HENRY URSUA SALDIVAR, Respondent

9 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
10 *accordingly.*

11 DEC. 9, 2010
12 Dated

Robert Cramer
ROBERT CRAMER, Attorney for Respondent
for License Advocates Law Group LLP

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

17 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
18 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
19 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
20 Waiver.

21 This Order is effective immediately.

22 IT IS SO ORDERED 1-20-2011

23
24 Jeff Davi
Real Estate Commissioner

25
26
27 [Signature]

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTIONS)

3 2.

4 On or about December 26, 1980, in the Superior Court
5 of California, County of Los Angeles, Case No. A525789,
6 Respondent was convicted of violating Penal Code Section 496
7 (Receiving Stolen Property), a felony. Said crime bears a
8 substantial relationship to the qualifications, functions or
9 duties of a real estate licensee under Section 2910, Title 10,
10 Chapter 6, California Code of Regulations.

11 3.

12 The crime of which Respondent was convicted as alleged
13 in paragraph 2, above, constitutes cause for denial of
14 Respondent's application for a real estate license under
15 Business and Professions Code Sections 475(a)(2), 480(a), and
16 10177(b).

17 SECOND CAUSE FOR DENIAL

18 (FAILURE TO DISCLOSE)

19 4.

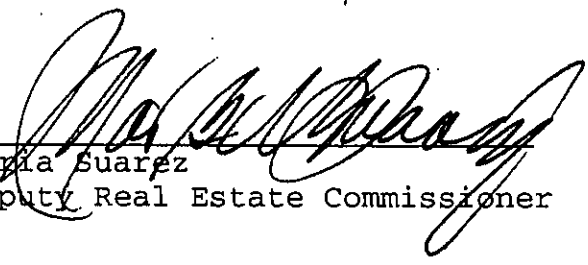
20 In response to Question 23 of the license application,
21 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
22 FELONY? **CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4**
23 **MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT TRAFFIC CITATIONS**
24 **WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY.**", Respondent
25 marked the box denoted "No." Respondent failed to disclose the
26 conviction described in paragraph 2, above.

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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, HENRY URSUA SALDIVAR, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California: 10 May, 2010.



Maria Suarez
Deputy Real Estate Commissioner

cc: HENRY URSUA SALDIVAR
Valentina Jimov-Red
Maria Suarez
Sacto