

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

4 Telephone: (213) 576-6982

FILED

JUN - 7 2012

DEPARTMENT OF REAL ESTATE
BY: *R. M. [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

12 MELISSA BARBARA HERNANDEZ,)

13 Respondent.)

No. H-38190 LA

STIPULATION AND WAIVER

(B&P 10100.4)

14
15 I, MELISSA BARBARA HERNANDEZ ("Respondent"), do hereby
16 affirm that I have applied to the Department of Real Estate for a
17 real estate salesperson license, and that to the best of my
18 knowledge I have satisfied all of the statutory requirements for
19 the issuance of the license, including, but not limited to, the
20 payment of the fee therefor.

21 I acknowledge that by entering into this Stipulation and
22 Waiver, I am stipulating that the Real Estate Commissioner has
23 found grounds that justify the denial of the issuance of an
24 unrestricted real estate salesperson license to me. I agree that
25 there are grounds to deny the issuance of an unrestricted real
26 estate salesperson license to me pursuant to California Business
27

1 and Professions Code Sections 480, 10177(a), and 10177(b) for my
2 failure to reveal a violation of California Vehicle Code Section
3 23152(b) (driving under the influence with a blood alcohol level
4 of 0.08 percent or more), a misdemeanor, on my license
5 application.

6 I hereby request that the Real Estate Commissioner in her
7 discretion issue a restricted real estate salesperson license to
8 me under the authority of California Business and Professions
9 Code Sections 10100.4 and 10156.5. I understand that any such
10 restricted license will be issued subject to the provisions of
11 and limitations of California Business and Professions Code
12 Sections 10156.6 and 10156.7.

13 I understand that by my signing of this Stipulation and
14 Waiver, provided this Stipulation and Waiver is accepted and
15 signed by the Real Estate Commissioner, the Real Estate
16 Commissioner will not file a Statement of Issues based on the
17 grounds herein, and I am waiving my right to a hearing and the
18 opportunity to present evidence at the hearing to establish my
19 rehabilitation in order to obtain an unrestricted real estate
20 salesperson license.

21 I further understand that the following conditions,
22 limitations, and restrictions will attach to a restricted real
23 estate salesperson license issued by the Department of Real
24 Estate pursuant hereto:

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- 1 1. The license shall not confer any property right in the
2 privileges to be exercised including the right of
3 renewal, and the Real Estate Commissioner may by
4 appropriate order suspend the right to exercise any
5 privileges granted under this restricted license in the
6 event of:
- 7 a. The conviction of Respondent (including a plea of,
8 nolo contendere) to a crime that bears a substantial
9 relationship to Respondent's fitness or capacity as a
10 real estate licensee; or
- 11 b. The receipt of evidence that Respondent has violated
12 provisions of the California Real Estate Law, the
13 Subdivided Lands Law, Regulations of the Real Estate
14 Commissioner, or conditions attaching to this
15 restricted license.
- 16 2. I shall not be eligible to apply for the issuance of an
17 unrestricted real estate license nor the removal of any
18 of the conditions, limitations, or restrictions
19 attaching to the restricted license until two (2) years
20 have elapsed from the date of issuance of the restricted
21 license to Respondent.
- 22 3. I shall submit with any application for license under an
23 employing broker, or any application for transfer to a
24 new employing broker, a statement signed by the
25 prospective employing real estate broker on a form
26 approved by the Department of Real Estate which shall
27 certify:

- 1 a. That the employing broker has read the Decision of
2 the Commissioner which granted the right to a
3 restricted license; and
4 b. That the employing broker will exercise close
5 supervision over the performance by the restricted
6 licensee relating to the activities for which a real
7 estate license is required.

8 4. I shall notify the Real Estate Commissioner in writing
9 within 72 hours of any arrest by sending a certified
10 letter to the Real Estate Commissioner at the Department
11 of Real Estate, Post Office Box 187000, Sacramento, CA
12 95818-7000. The letter shall set forth the date of
13 Respondent's arrest, the crime for which Respondent was
14 arrested, and the name and address of the arresting law
15 enforcement agency. Respondent's failure to timely file
16 written notice shall constitute an independent violation
17 of the terms of the restricted license and shall be
18 grounds for the suspension or revocation of that
19 license.

20 04/04/2012
21 Dated

D. Lee
21 Diane Lee, Counsel
22 Department of Real Estate

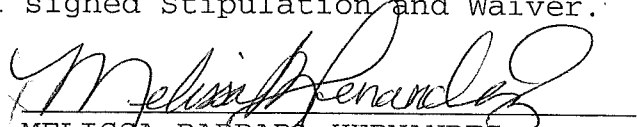
23 5. I have read the Stipulation and Waiver, and its terms
24 are understood by me and are agreeable and acceptable to
25 me. I understand that I am waiving rights given to me
26 by the California Administrative Procedure Act
27 (including, but not limited to, California Government

1 Code Sections 11504, 11506, 11508, 11509, and 11513),
2 and I willingly, intelligently, and voluntarily waive
3 those rights, including, but not limited to, the right
4 to a hearing at which I would have the right to cross-
5 examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

7 6. Respondent can signify acceptance and approval of the,
8 terms and conditions of this Stipulation and Waiver by
9 faxing a copy of its signature page, as actually signed
10 by Respondent, to the Department of Real Estate at the
11 following telephone/fax number: (213) 576-6917.

12 Respondent agrees, acknowledges, and understands that by
13 electronically sending to the Department of Real Estate
14 a fax copy of his actual signature as it appears on the
15 Stipulation and Waiver, that receipt of the faxed copy
16 by the Department of Real Estate shall be as binding on
17 Respondent as if the Department of Real Estate had
18 received the original signed Stipulation and Waiver.

19 04/02/2012
20 Dated


21 MELISSA BARBARA HERNANDEZ,
22 Respondent

23 I have read the foregoing Stipulation and Waiver signed by
24 Respondent. I am satisfied that the hearing for the purpose of
25 requiring further proof as to the honesty and truthfulness of
26 Respondent need not be called and that it will not be inimical to
27 the public interest to issue a restricted real estate salesperson

1 license to Respondent.

2 Therefore, IT IS HEREBY ORDERED that a restricted real
3 estate salesperson license be issued to Respondent MELISSA,
4 BARBARA HERNANDEZ if Respondent has otherwise fulfilled all of
5 the statutory requirements for licensure. The restricted
6 salesperson license shall be limited, conditioned, and restricted
7 as specified in the foregoing Stipulation and Waiver.

8 This Order is effective immediately.

9 IT IS SO ORDERED

4/23/2012

10 Real Estate Commissioner

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15 By WAYNE S. BELL
16 Chief Counsel

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