

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

4 Telephone: (213) 576-6982

FILED

AUG 30 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 *In the Matter of the Application of*

12
13 TODD A. DEHERRERA.

14 Respondent.

) No. H- 38210 LA

) **STIPULATION AND WAIVER**

15
16 I, TODD A. DEHERRERA, Respondent herein, do hereby affirm that I have applied to the
17 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge
18 I have satisfied all of the statutory requirements for the issuance of the license, including the
19 payment of the fee therefor.

20 I acknowledge that I have received and read the Statement of Issues and the Statement to
21 Respondent filed by the Department of Real Estate on June 20, 2012, in connection with my
22 application for a real estate salesperson license. I understand that the Real Estate Commissioner
23 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my
24 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion
25 waive the hearing and grant me a restricted real estate salesperson license based upon this
26 Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the
27 Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet

1 all the requirements for issuance of a real estate salesperson license. I further understand that by
2 entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
3 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me
4 of an unrestricted real estate salesperson license.

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

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

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

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

26 ///

- 1 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
2 removal of any of the conditions, limitations, or restrictions attaching to the restricted
3 license until two years have elapsed from the date of issuance of the restricted license to
4 Respondent.
- 5 3. With the application for license, or with the application for transfer to a new employing
6 broker, I shall submit a statement signed by the prospective employing broker on a form
7 approved by the Department of Real Estate wherein the employing broker shall certify as
8 follows:
- 9 a. That broker has read the Statement of Issues which is the basis for the issuance of
10 the restricted license; and
- 11 b. That broker will carefully review all transaction documents prepared by the
12 restricted licensee and otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.
- 14 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
15 sending a certified letter to the Commissioner at the Department of Real Estate, Post
16 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
17 Respondent's arrest, the crime for which Respondent was arrested and the name and
18 address of the arresting law enforcement agency. Respondent's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted
20 license and shall be grounds for the suspension or revocation of that license.

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

25 ///

26 ///

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

3
4 6-22-2012

5 Dated

6
7
8 TODD A. DEHERRERA, Respondent

9 ***

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

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

18 This Order is effective immediately.

19 IT IS SO ORDERED

20 8/27/2012
21 Real Estate Commissioner

22 By WAYNE S. BELL
23 Chief Counsel