FILED

FEB 21 2013

DEPARTMENT OF REAL ESTATE
BY:

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

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of MIGUEL A. GURZA, Respondent.	No. H- 38725 LA **STIPULATION AND WAIVER** (B&P 10100.4)

I, MIGUEL A. GURZA ("Respondent") do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license, and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including, but not limited to, the payment of the fee therefor.

I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the Real Estate Commissioner has found grounds that justify the denial of the issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to deny the issuance of an unrestricted real estate salesperson license to me pursuant to California Business and Professions Code Sections 480(a) and 10177(b) in that I was convicted on June 26, 2002 of violating California Penal Code section 484 (petty theft), on March 30, 2004, I was convicted of violating Vehicle Code section 23152(b) (driving with excess blood alcohol), and on November 14, 2005, I was convicted of violating Penal Code section 245(a) (assault with a deadly weapon).

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

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

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

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

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

4. With the application for license or with the application for transfer to a new employing broker, I shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

   a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

   b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Jan. 16, 2013
Dated

James R. Peel
Counsel
Department of Real Estate

5. I have read the Stipulation and Waiver, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including, but not limited to, California Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right to a hearing on a Statement of Issues at which I would have the right to

cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

1.15.13
Dated

MIGUEL A. GURZA, Respondent

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

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

This Order is effective immediately.

IT IS SO ORDERED _____.

Real Estate Commissioner

cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

Dated MIGUEL A. GURZA, Respondent

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

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

This Order is effective immediately.

IT IS SO ORDERED 2/1/13.

Real Estate Commissioner
By AWET P. KIDANE
Chief Deputy Commissioner