

FILED

DEC 02 2014

1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213)576-6982

BUREAU OF REAL ESTATE
BY *[Signature]*

BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

9 *In the Matter of the Application of*

10 JOSHUA JAMES SILVA,

13 Respondent

) No. H-39525 LA

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

14
15 It is hereby stipulated by and between JOSHUA JAMES SILVA (hereinafter "Respondent")
16 and Respondent's attorney, Mary E. Work , and the Complainant, acting by and through Julie L.
17 To, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of
18 the Statement of Issues filed on July 9, 2014 in this matter:

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

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

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

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

15 Respondent further understands that the following conditions, limitations, and restrictions will
16 attach to a restricted license issued by the Bureau 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.

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2. Respondent 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 years have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Bureau 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.

4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 90013-1105. 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.

11-13-14

Dated



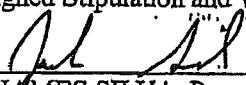
Julie L. To, Counsel, Bureau of Real Estate

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I have read the Stipulation and Waiver, have discussed it with my counsel, 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 Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the 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.

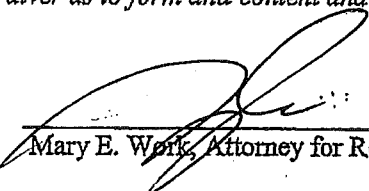
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending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

11/6/14
Dated


JOSHUA JAMES SILVA, Respondent

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

11/20/14
Dated


Mary E. Work, Attorney for Respondent

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2 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
3 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
4 given to me by the California Administrative Procedure Act (including but not limited to Sections
5 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
6 voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I
7 would have the right to cross-examine witnesses against me and to present evidence in defense and
8 mitigation of the charges.

9 Respondent can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to
11 the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that
12 by electronically sending to the Bureau a fax copy of his actual signature as it appears on the
13 Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on
14 Respondent as if the Bureau had received the original signed Stipulation and Waiver.

15 _____
16 Dated

JOSHUA JAMES SILVA, Respondent

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

19 _____
20 Dated

Mary E. Work, Attorney for Respondent

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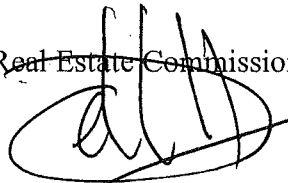
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED NOV 24 2014

~~Real Estate Commissioner~~



By: JEFFREY MASON
Chief Deputy Commissioner