

FILED

OCT 23 2017

BUREAU OF REAL ESTATE

By Al Selbois

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-40678 LA
)	
Gloria Vasquez Encinas,)	
)	<u>STIPULATION AND WAIVER</u>
Respondent.)	
)	

It is stipulated by and between Gloria Vasquez Encinas ("Respondent") and Respondent's attorney, Frank Buda, Esq., and the Complainant, acting by and through Diane Lee, Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Statement of Issues filed on June 20, 2017 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and Statement to Respondent filed by the Bureau in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner ("Commissioner") may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Commissioner is

1 shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the
2 requirements for issuance of a real estate salesperson license. Respondent further understands
3 that by entering into this Stipulation and Waiver Respondent will be stipulating that the
4 Commissioner has found that Respondent has failed to make such a showing, thereby justifying
5 the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

6 Respondent hereby admits that the allegation in the Statement of Issues filed against me
7 are true and correct and requests that the Commissioner in his discretion issue a restricted real
8 estate salesperson license to Respondent under the authority of California Business and
9 Professions Code section 10156.5.

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

17 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
18 limitations, and restrictions imposed on Respondent's restricted license, identified below, may
19 be removed only by filing a Petition for Removal of Restrictions ("Petition") with the
20 Commissioner, and that Respondent's Petition must follow the procedures set forth in California
21 Government Code section 11522.

22 Respondent further understands that the restricted license issued to Respondent shall be
23 subject to all the provisions of California Business and Professions Code section 10156.7 and to
24 the following conditions, limitations, and restrictions imposed under authority of California
25 Business and Professions Code section 10156.6:

1 1. The restricted license shall not confer any property right in the privileges to be
2 exercised including the right of renewal, and the Real Estate Commissioner may
3 by appropriate order suspend the right to exercise any privileges granted under
4 the restricted license in the event of:

5 a. Respondent's conviction (including a plea of nolo contendere) of a crime
6 that bears a substantial relationship to Respondent's fitness or capacity as
7 a real estate licensee; or

8 b. The receipt of evidence that Respondent has violated provisions of the
9 California Real Estate Law, the Subdivided Lands Law, Regulations of
10 the Real Estate Commissioner, or conditions attaching to this restricted
11 license.

12 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real
13 estate license nor the removal of any of the conditions, limitations, or restrictions
14 attaching to the restricted license until two (2) years have elapsed from the date
15 of issuance of the restricted license to Respondent. Respondent shall not be
16 eligible to apply for any unrestricted licenses until all restrictions attaching to the
17 license have been removed.


18 3. With the application for license or with the application for transfer to a new
19 employing broker, Respondent shall submit a statement signed by the prospective
20 employing broker on a form approved by the Bureau of Real Estate, such as the
21 Restricted Salesperson Change Application (RE 214A), wherein the employing
22 broker shall certify as follows:

23 a. That broker has read the Stipulation and Waiver which is the basis for the
24 issuance of the restricted license; and

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

4 4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours
5 of any arrest by sending a certified letter to the Real Estate Commissioner at the
6 Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013.
7 The letter shall set forth the date of Respondent's arrest, the crime for which
8 Respondent was arrested, and the name and address of the arresting law
9 enforcement agency. Respondent's failure to timely file written notice shall
10 constitute an independent violation of the terms of the restricted license and shall
11 be grounds for the suspension or revocation of that license.

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13 DATED: 10/04/2017



Diane Lee, Counsel
Bureau of Real Estate

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16 Respondent has read this Stipulation and Waiver, and its terms are understood by
17 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
18 Respondent is waiving rights given to Respondent by the California Administrative Procedure
19 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
20 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
21 including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent
22 would have the right to cross-examine witnesses against Respondent and to present evidence in
23 defense and mitigation of the charges.

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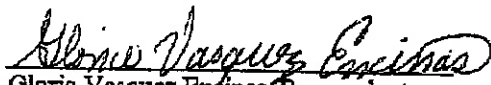
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1 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
 2 Diane Lee, Bureau of Real Estate, 320 W. 4th St., Ste. 350, Los Angeles, CA 90013-1105.

3 In the event of time constraints before an administrative hearing, Respondent can signify
 4 acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a
 5 copy of its signature page, as actually signed by Respondent, to the Bureau of Real Estate at the
 6 following fax number: (213) 576-6917. Respondent agrees, acknowledges, and understands
 7 that by electronically sending to the Bureau of Real Estate a fax copy of his actual signature as
 8 it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau of Real
 9 Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the
 10 original signed Stipulation and Waiver.

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 12 DATED: OCT. 3, 2017 
 13 Gloria Vasquez Encinas, Respondent

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 15 I have reviewed this Stipulation and Waiver as to form and content and have advised my
 16 client accordingly.

17 DATED: 10-3-17 
 18 Frank Buda, Esq., Attorney for Respondent

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
6 issued to Respondent Gloria Vasquez Encinas if Respondent Gloria Vasquez Encinas has
7 otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson
8 license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
9 Waiver.

10 This Order is effective immediately.

11 IT IS SO ORDERED October 16, 2017.

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

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15 By: DANIEL J. SANDRI
16 Chief Deputy Commissioner
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