

FILED

DEC - 4 2018

DEPT. OF REAL ESTATE

By 

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

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of

Nancy S. Jimenez,

Respondent.

No. H- 41234 LA

**STIPULATION AND WAIVER**

I, Nancy S. Jimenez aka Nancy Derapio Jimenez ("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 475(a)(1), 475(a)(2), 480(a), 480(d), 10177(a), and 10177(b) due to my failure to reveal the following convictions: on or about January 23, 2002, in the Superior Court of California, County of Los Angeles, case no. 2PN00084, I was convicted of violating California Penal Code section 470(d) (forgery), a misdemeanor; on or about March 12, 2007, in

1 the Superior Court of California, County of Los Angeles, case no. 3PN04917, I was convicted of  
2 violating California Health and Safety Code section 11364 (possession of drug paraphernalia), a  
3 misdemeanor; and on or about March 12, 2007, in the Superior Court of California, County of  
4 Los Angeles, case no. LA054983, I was convicted of violating California Health and Safety  
5 Code section 11377(a) (possession of a controlled substance, to wit, methamphetamine), a  
6 felony.

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

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

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

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

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

a. Respondent's conviction (including a plea of nolo contendere) of 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. 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 (2) years have elapsed from the date of issuance of the restricted license to Respondent.


3. Respondent 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, P.O. Box 137013, Sacramento, CA 95813-7013. 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, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate, such as the Restricted Salesperson Change Application (RE 214A), wherein the employing broker shall certify as follows:

- 1           a.     That broker has read the Stipulation and Waiver which is the basis for the  
2                     issuance of the restricted license; and
- 3           b.     That broker will carefully review all transaction documents prepared by  
4                     the restricted licensee and otherwise exercise close supervision over the  
5                     licensee's performance of acts for which a license is required.

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7     DATED: 11/13/2018

8                       
9                     Diane Lee, Counsel  
                      Department of Real Estate

10           Respondent has read this Stipulation and Waiver, and its terms are understood by  
11     Respondent and are agreeable and acceptable to Respondent. Respondent understands that  
12     Respondent is waiving rights given to Respondent by the California Administrative Procedure  
13     Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,  
14     11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,  
15     including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent  
16     would have the right to cross-examine witnesses against Respondent and to present evidence in  
17     defense and mitigation of the charges.

18           Respondent shall send a hard copy of the original signed Stipulation and Waiver to  
19     Diane Lee, Department of Real Estate, 320 West 4th St., Ste. 350, Los Angeles, CA 90013-  
20     1105. In the event of time constraints before an administrative hearing, Respondent can signify  
21     acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a  
22     copy of its signature page, as actually signed by Respondent, to the Department of Real Estate at  
23     the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges, and  
24     understands that by electronically sending to the Department of Real Estate a fax copy of her  
25     actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the

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1 Department of Real Estate shall be as binding on Respondent as if the Department of Real  
2 Estate had received the original signed Stipulation and Waiver.

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4 DATED: 11/7/18

Nancy S. Jimenez  
Nancy S. Jimenez, Respondent

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

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

14 This Order is effective immediately.

15 IT IS SO ORDERED November 29, 2018.

16  
17 DANIEL J. SANDRI  
18 ACTING REAL ESTATE COMMISSIONER

19 Daniel J. Sandri  
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