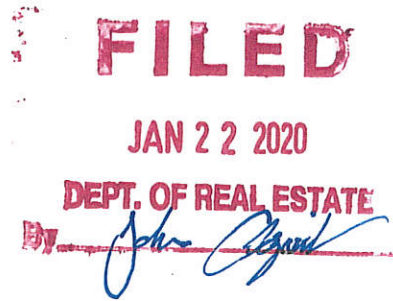


1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105
Telephone: (213) 576-6982
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8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Application of) DRE No. H-41429 LA
12 JOSEPH AURELIO VALLES,) **STIPULATION AND WAIVER**
13 Respondent.)
14

15 It is hereby stipulated by and between JOSEPH AURELIO VALLES ("Respondent") and
16 Respondent's attorney, RIZZA D. GONZALES, and the Complainant, acting by and through
17 Laurence Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the
18 purpose of settling and disposing of the Statement of Issues filed on September 25, 2019 in this
19 matter:

20 Respondent acknowledges that Respondent has received and read the Statement of Issues
21 and the Statement to Respondent filed by the Department in connection with Respondent's
22 application for a real estate salesperson license. Respondent understands that the Real Estate
23 Commissioner ("Commissioner") may hold a hearing on this Statement of Issues for the purpose of
24 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
25 therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real
26 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands
27 that by filing the Statement of Issues in this matter the Commissioner is shifting the burden to
28 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 Commissioner has found that
3 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 Commissioner in his discretion issue a
7 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of
8 the Business and Professions Code ("the 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 Commissioner. However, Respondent is not waiving
13 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted
14 license if this Stipulation and Waiver is not accepted by the Commissioner.

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

19 Respondent further understands that the restricted license issued to Respondent shall be
20 subject to all of the provisions of Code section 10156.7 and to the following limitations, conditions
21 and restrictions imposed under authority of Section 10156.6 of the Code:

- 22 1. The restricted license shall not confer any property right in the privileges to be exercised
23 including the right of renewal, and the Commissioner may by appropriate order suspend
24 the right to exercise any privileges granted under the restricted license in the event of:
 - 25 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
26 bears a substantial relationship to Respondent's fitness or capacity as a real estate
27 licensee; or

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- 1 b. The receipt of evidence that Respondent has violated provisions of the California
2 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
3 conditions attaching to the restricted license.
- 4 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real estate
5 license nor the removal of any of the conditions, limitations, or restrictions attaching to
6 the restricted license until two (2) years have elapsed from the date of issuance of the
7 restricted license to Respondent. Respondent shall not be eligible to apply for any
8 unrestricted licenses until all restrictions attaching to the license have been removed.
- 9 3. With the application for license, or with the application for transfer to a new employing
10 broker, Respondent shall submit a statement signed by the prospective employing
11 broker on a form approved by the Department wherein the employing broker shall
12 certify as follows:
- 13 a. That the broker has read the Statement of Issues which is the basis for the issuance
14 of the restricted license; and
- 15 b. That the broker will carefully review all transaction documents prepared by the
16 restricted licensee and otherwise exercise close supervision over the licensee's
17 performance of acts for which a license is required.
- 18 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
19 sending a certified letter to the Commissioner at the Department of Real Estate, Post
20 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
21 Respondent's arrest, the crime for which Respondent was arrested and the name and
22 address of the arresting law enforcement agency. Respondent's failure to timely file
23 written notice shall constitute an independent violation of the terms of the restricted
24 license and shall be grounds for the suspension or revocation of that license.

25 12/6/2019
26 Dated

25 Laurence Haveson
26 Laurence Haveson, Counsel
27 Department of Real Estate

28 * * *

1 Respondent has read this Stipulation and Waiver, and its terms are understood by
2 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
3 Respondent is waiving rights given to Respondent by the California Administrative Procedure Act
4 (including, but not limited to, Government Code Sections 11506, 11508, 11509, and 11513), and
5 Respondent willingly, intelligently, and voluntarily waives those rights, including the right of a
6 hearing on the Statement of Issues at which Respondent would have the right to cross-examine
7 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

8 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
9 Laurence Haveson, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, CA
10 90013-1105.

11 In the event of time constraints before an administrative hearing, Respondent can signify
12 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a
13 scanned copy of the signature page, as actually signed by Respondent, to the Department counsel
14 assigned to this case. Respondent agrees, acknowledges and understands that by electronically
15 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and
16 Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the
17 Department had received the original signed Stipulation and Waiver.

18
19 _____
20 Dated

JOSEPH AURELIO VALLES, Respondent

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

23 12/0/19

24 _____
Dated



RIZZA D. GONZALES, Attorney for Respondent

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27 ///

28 ///

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

Respondent shall send a hard copy of the original signed Stipulation and Waiver to Laurence Haveson, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, CA 90013-1105.

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges and understands that by electronically sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

12 / 6 / 19

Dated

Joseph A. Valles

JOSEPH AURELIO VALLES, Respondent

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

Dated

RIZZA D. GONZALES, 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

1/10/20

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

