

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED

SEP 28 2021

DEPT. OF REAL ESTATE

By John Asijal

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8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

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11 In the Matter of the Application of) No. H-42066 LA
12 JOSE A. CARBAJAL,)
13 Respondent.) **STIPULATION AND WAIVER**
14)

15 I, JOSE A. CARBAJAL, a.k.a. "Jose Antonio Carbajal" ("Respondent"), do hereby
16 affirm that I have applied to the Department of Real Estate for a real estate salesperson license,
17 and that to the best of my knowledge I have satisfied all of the statutory requirements for the
18 issuance of the license, including, but not limited to, the payment of the fee therefor.

19 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
20 Real Estate Commissioner has found grounds that justify the denial of the issuance of an
21 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the
22 issuance of an unrestricted real estate salesperson license to me pursuant to California Business
23 and Professions Code section 10177(f) due to the following disciplinary actions:

- 24
- December 30, 2013: Permanent bar by Financial Industry Regulatory Authority ("FINRA") from association with any FINRA member in any capacity.
 - February 1, 2015: Revocation of license for accident and health agent and life-only agent with variable contract authority by California Department of Insurance.
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1 I hereby request that the Real Estate Commissioner in his discretion issue a restricted
2 real estate salesperson license to me under the authority of California Business and Professions
3 Code sections 10100.4 and 10156.5. I understand that any such restricted license will be issued
4 subject to the provisions of and limitations of California Business and Professions Code
5 sections 10156.6 and 10156.7.

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

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

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

- 18 1. The license shall not confer any property right in the privileges to be exercised
19 including the right of renewal, and the Real Estate Commissioner may by
20 appropriate order suspend the right to exercise any privileges granted under this
21 restricted license in the event of:
 - 22 a. Respondent's conviction (including a plea of nolo contendere) of a crime
23 that bears a substantial relationship to Respondent's fitness or capacity as
24 a real estate licensee; or
 - 25 b. The receipt of evidence that Respondent has violated provisions of the
26 California Real Estate Law, the Subdivided Lands Law, Regulations of
27 the Real Estate Commissioner, or conditions attaching to this restricted

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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 Prospective Employing Broker Certification (RE 552), wherein the employing broker shall certify as follows:
 - a. That broker has read the Stipulation and Waiver 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.

DATED: August 3, 2021



 Kathy Yi, Counsel
 Department of Real Estate

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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
4 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
5 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
6 including, but not limited to, the right to a hearing on a Statement of Issues at which
7 Respondent would have the right to cross-examine witnesses against Respondent and to present
8 evidence in defense and mitigation of the charges.

9 Respondent agrees, acknowledges, and understands that Respondent cannot rescind or
10 amend this Stipulation and Waiver. Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Waiver by electronically e-mailing a copy of the
12 signature page, as actually signed by Respondent, to the Department. Respondent agrees,
13 acknowledges, and understands that by electronically sending to the Department an electronic
14 copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the
15 emailed copy by the Department shall be as binding on Respondent as if the Department had
16 received the original signed Stipulation. By signing this Stipulation, Respondent understands
17 and agrees that Respondent may not withdraw Respondent's agreement or seek to rescind the
18 Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective
19 date of the Stipulation and Order.

20 Respondent can signify acceptance and approval of the terms and conditions of
21 this Stipulation and Waiver by mailing the original signed Stipulation and Waiver to: Kathy Yi,
22 Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

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24 DATED: 8/3/2021


25 JOSE A. CARBAJAL, Respondent

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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 JOSE A. CARBAJAL, 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 9.21.21, 2021.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley