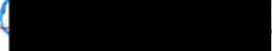


**FILED**

**AUG 22 2023**

**DEPT. OF REAL ESTATE**

By 

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of	)	No. H-42455 LA
	)	<u>STIPULATION</u>
12 JULIO IVAN GARCIA,	)	
	)	<u>AND</u>
13 Respondent.	)	<u>WAIVER</u>
	)	

15 It is hereby stipulated by and between JULIO IVAN GARCIA (“Respondent”), acting  
16 by and through Frank M. Buda, Counsel for Respondent, and Complainant, acting by and through  
17 Andrea Bentler, 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 January 24, 2023 in this  
19 matter:

20 Respondent acknowledges that Respondent has received and read the Statement of  
21 Issues 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

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

7 Respondent hereby admits that the allegations of the Statement of Issues filed against  
8 Respondent are true and correct and requests that the Commissioner in his discretion issue a  
9 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of  
10 the Business and Professions Code (“the Code”).

11 Respondent is aware that by signing this Stipulation and Waiver, Respondent is  
12 waiving Respondent’s right to a hearing and the opportunity to present evidence at the hearing to  
13 establish Respondent’s rehabilitation in order to obtain an unrestricted real estate salesperson  
14 license if this Stipulation and Waiver is accepted by the Commissioner. However, Respondent is  
15 not waiving Respondent’s right to a hearing and to further proceedings to obtain a restricted or  
16 unrestricted license if this Stipulation and Waiver is not accepted by the 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 be  
19 removed only by filing a Petition for Removal of Restrictions (“Petition”) with the Commissioner,  
20 and that Respondent’s Petition must follow the procedures set forth in Government Code Section  
21 11522.

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

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- 1        1.    The restricted license shall not confer any property right in the privileges to be exercised  
2           including the right of renewal, and the Commissioner may by appropriate order suspend  
3           the right to exercise any privileges granted under the restricted license in the event of:
  - 4           a.    Respondent's conviction (including a plea of nolo contendere) of a crime which  
5                bears a substantial relationship to Respondent's fitness or capacity as a real estate  
6                licensee; or
  - 7           b.    The receipt of evidence that Respondent has violated provisions of the California  
8                Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
9                conditions attaching to the restricted license.
- 10       2.    Respondent shall not be eligible to petition for the issuance of an unrestricted real estate  
11           license nor the removal of any of the conditions, limitations, or restrictions attaching to  
12           the restricted license until two (2) years have elapsed from the date of issuance of the  
13           restricted license to Respondent. Respondent shall not be eligible to apply for any  
14           unrestricted licenses until all restrictions attaching to the license have been removed.
- 15       3.    With the application for license, or with the application for transfer to a new responsible  
16           broker, Respondent shall submit a statement signed by the prospective responsible broker  
17           on a form approved by the Department wherein the responsible broker shall certify as  
18           follows:
  - 19           a.    That the broker has read the Statement of Issues which is the basis for the issuance  
20                of the restricted license; and
  - 21           b.    That the broker will carefully review all transaction documents prepared by the  
22                restricted licensee and otherwise exercise close supervision over the licensee's  
23                performance of acts for which a license is required.
- 24       4.    Respondent shall notify the Commissioner in writing within seventy-two (72) hours of  
25           any arrest by sending a certified letter to the Commissioner at the Department of Real  
26           Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth  
27           the date of Respondent's arrest, the crime for which Respondent was arrested and the

1 name and address of the arresting law enforcement agency. Respondent's failure to  
2 timely file written notice shall constitute an independent violation of the terms of the  
3 restricted license and shall be grounds for the suspension or revocation of that license.

4 07/18/2023



5 Dated

Andrea Bentler  
Attorney for Department of Real Estate

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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 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), 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: Andrea Bentler, Department of Real Estate, 320 West 4th St, 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.

7/10/23  
Dated

[Redacted Signature]  
JULIO IVAN GARCIA  
Respondent

*I have reviewed this Stipulation and Agreement as to form and content and have advised my client accordingly.*

7-11-23  
Dated

[Redacted Signature]  
Frank M. Buda  
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 8.11.23.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

