

FILED

APR 11 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

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

10 * * *

11 In the Matter of the Application of:
12 **LEONEL LOPEZ,**
13 **Respondent.**

DRE No. H-42483-LA

STIPULATION AND WAIVER

14
15 It is hereby stipulated by and between LEONEL LOPEZ (“Respondent”) and Respondent’s
16 attorney, Todd C. Merchant, Esq., and the Complainant, acting by and through Laurence Haveson,
17 Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling
18 and disposing of the Statement of Issues filed on November 7, 2022 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues
20 and the Statement to Respondent filed by the Department in connection with Respondent’s
21 application for a real estate broker license. Respondent understands that the Real Estate
22 Commissioner (“Commissioner”) may hold a hearing on this Statement of Issues for the purpose
23 of requiring further proof of Respondent’s honesty and truthfulness and to prove other allegations
24 therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real
25 estate broker license based upon this Stipulation and Waiver. Respondent also understands that by
26 filing the Statement of Issues in this matter the Commissioner is shifting the burden to Respondent
27 to make a satisfactory showing that Respondent meets all the requirements for issuance of a real
28 estate broker license. Respondent further understands that by entering into this Stipulation and

1 Waiver, Respondent will be stipulating that the Commissioner has found that Respondent has
2 failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an
3 unrestricted real estate broker license.

4 Respondent acknowledges that by entering into this Stipulation and Waiver, Respondent
5 stipulating that the Real Estate Commissioner (“Commissioner”) has found grounds that justify
6 the denial of the issuance of an unrestricted real estate broker license to Respondent. Respondent
7 agrees that there are grounds to deny the issuance of an unrestricted real estate broker license to
8 Respondent pursuant to Business and Professions Code (“Code”) Sections 480(a)(2) and 10177(f)
9 based on the suspension by the Commissioner of the Montana Division of Banking and Financial
10 Institutions of the Montana Department of Administration of Respondent’s mortgage loan
11 originator license, National Mortgage Licensing System and Registry (“NMLSR”) ID No. 312825,
12 in Montana.

13 Respondent hereby admits that the allegations of the Statement of Issues filed against
14 Respondent are true and correct and requests that the Commissioner in his discretion issue a
15 restricted real estate broker license to Respondent under the authority of Code sections 10100.4
16 and 10156.5.

17 Respondent understands that by signing this Stipulation and Waiver, provided this
18 Stipulation and Waiver is approved and signed by the Commissioner, Respondent is waiving
19 Respondent’s right to a hearing and the opportunity to present evidence at the hearing to establish
20 Respondent’s rehabilitation in order to obtain an unrestricted real estate broker license. However,
21 Respondent is not waiving Respondent’s right to a hearing and to further proceedings to obtain a
22 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the
23 Commissioner.

24 Respondent agrees that by signing this Stipulation and Waiver, the conditions, limitations,
25 and restrictions imposed on Respondent’s restricted license, identified below, may be removed
26 only by filing a Petition for Removal of Restrictions (“Petition”) with the Commissioner, and that
27 Respondent’s Petition must follow the procedures set forth in Government Code section 11522.


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

- 4 1. The restricted license shall not confer any property right in the privileges to be
5 exercised including the right of renewal, and the Commissioner may by appropriate
6 order suspend the right to exercise any privileges granted under the restricted license in
7 the event of:
- 8 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
9 bears a substantial relationship to Respondent's fitness or capacity as a real estate
10 licensee; or
- 11 b. The receipt of evidence that Respondent has violated provisions of the California
12 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
13 conditions attaching to the restricted license.
- 14 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
15 estate license nor the removal of any of the conditions, limitations, or restrictions
16 attaching to the restricted license until three (3) years have elapsed from the date of
17 issuance of the restricted license to Respondent. Respondent shall not be eligible to
18 apply for any unrestricted licenses until all restrictions attaching to the license have
19 been removed.
- 20 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
21 sending a certified letter to the Commissioner at the Department of Real Estate, Post
22 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
23 Respondent's arrest, the crime for which Respondent was arrested and the name and
24 address of the arresting law enforcement agency. Respondent's failure to timely file
25 written notice shall constitute an independent violation of the terms of the restricted
26 license and shall be grounds for the suspension or revocation of that license.

27
28 March 9, 2023

Dated



Laurence D. Haveson, Counsel
Department of Real Estate

1 * * *

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

10 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
11 Laurence Haveson, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, CA
12 90013-1105.

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

20 March 9, 2023

21 _____
Dated

21 [REDACTED]
LEONEL LOPEZ, Respondent

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

25 March 9, 2023

26 _____
Dated

26 [REDACTED]
TODD C. MERCHANT, 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 broker license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker 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 4.4.23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

