

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
MAR 30 1995
DEPARTMENT OF REAL ESTATE

By C. Bay

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

11 In the Matter of the Accusation of) No. H-25666 LA
12) L-12082
12 ANDRES SAUL PEREIRA,) STIPULATION AND AGREEMENT
13) IN SETTLEMENT AND ORDER
13 Respondent.)
14 _____)

15 It is hereby stipulated by and between ANDRES SAUL
16 PEREIRA (hereinafter "Respondent"), represented by Ira D.
17 Lebovic, Esq., and the Complainant, acting by and through
18 Christopher K.D. Leong, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing of
20 the Accusation, filed on December 14, 1993, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedures Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation.

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2. Respondent has received, reviewed and understands the Accusation, the Statement to Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in the above-captioned proceeding.

3. Respondent has filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations in Paragraphs I through V of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations. In addition, Respondent agrees and stipulates that his conduct is cause for discipline pursuant to Sections 490 and 10177(b) of the Code.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights

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as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and the Agreement, the Agreement shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA, and shall not be bound by any admission or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further disciplinary or civil proceedings by the Department of Real Estate with respect to any matters which are not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

I

Respondent's conduct which lead to his criminal conviction, is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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ORDER

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2 A. Respondent ANDRES SAUL PEREIRA's real estate
3 salesperson license is hereby revoked.

4 B. A restricted real estate salesperson license
5 shall be issued to Respondent pursuant to Section 10156.5 of the
6 Business and Professions Code if Respondent makes application
7 therefor, and pays to the Department of Real Estate the
8 appropriate fee for said license within 120 days from the
9 effective date of the Order herein. The restricted license
10 issued to Respondent ANDRES SAUL PEREIRA shall be subject to all
11 of the provisions of Section 10156.7 of the Code and to the
12 following limitations conditions and restrictions imposed under
13 authority of Section 10156.6 of the Code.

14 (1) The restricted license may be suspended
15 prior to hearing by Order of the Real Estate Commissioner in the
16 event of Respondent's conviction or plea of nolo contendere to a
17 crime which bears a significant relationship to Respondent's
18 fitness or capacity as a real estate licensee.

19 (2) The restricted license may be suspended,
20 prior to and pending final determination after formal hearing by
21 Order of the Real Estate Commissioner based upon evidence
22 satisfactory to the Commissioner that Respondent has violated
23 provisions of the California Real Estate Law, the Subdivided
24 Lands Law, Regulations of the Real Estate Commissioner or
25 conditions attaching to this restricted license.

26 (3) With the application for license, or with
27 the application for transfer to a new employing broker,

1 Respondent shall submit a statement signed by the prospective
2 employing broker on a form approved by the Department of Real
3 Estate wherein the employing broker shall certify as follows:

4 (a) That broker has read the Order herein
5 and the Decision which is the basis for the issuance of the
6 restricted license; and

7 (b) That broker will carefully review all
8 transaction documents prepared by the restricted licensee and
9 otherwise exercise close supervision over the licensee's
10 performance of acts for which a license is required.

11 (4) Respondent shall not be eligible to apply
12 for the issuance of an unrestricted real estate license nor the
13 removal of any of the conditions, limitations or restrictions of
14 the restricted license until at least one year has elapsed from
15 the date of this Order.

16 (5) Respondent shall, within 12 months from the
17 effective date of the Decision, present evidence satisfactory to
18 the Real Estate Commissioner that he has, since the most recent
19 issuance of an original or renewal real estate license, taken
20 and successfully completed the continuing education requirements
21 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
22 of a real estate license. If Respondent fails to satisfy this
23 condition, the Real Estate Commissioner shall afford Respondent
24 the opportunity for a hearing pursuant to the Administrative
25 Procedure Act to present such evidence.

26 DATED: _____


3/14/95

Chris Leong
Christopher K.D. Leong
Counsel for Complainant

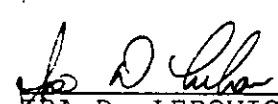
* * *

I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 3/9/95


ANDRES SAUL PEREIRA
Respondent

DATED: 3/10/95



IRA D. LEBOVIC
Respondent's Attorney

* * *

The foregoing Stipulation and Agreement for settlement is hereby adopted by the Real Estate Commissioner as Decision and Order and shall become effective at 12 o'clock noon on April 19, 1995.

IT IS SO ORDERED March 24, 1995

JOHN R. LIBERATOR
Interim Commissioner



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-25666 LA
ANDRES SAUL PEREIRA,) OAH No. L-12082
_____))
Respondent(s)

FILED
DEC 30 1994
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on WEDNESDAY, JANUARY 25, 1995, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 30, 1994

By

Christopher K.D. Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Andres Saul Pereira
JTE Real Estate Group Inc.
Sacto.
OAH

CEB

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CHRISTOPHER K.D. LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

DEC 14 1993

DEPARTMENT OF REAL ESTATE
BY C. Soy

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-25666 LA
ANDRES SAUL PEREIRA,) ACCUSATION
Respondent.)

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ANDRES SAUL PEREIRA (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a real estate salesperson.

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III

Respondent has been and now is licensed by the Department of Real Estate of the State of California as a real estate salesperson since said license was issued on December 5, 1992.

IV

On or about February 9, 1993, in the Superior Court of California, County of Los Angeles, Pomona Judicial District, Respondent was convicted of violation of one count of Section 11383 of the California Health and Safety Code (Possession of substance to manufacture methamphetamine), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a licensee.

Respondent's criminal conviction, as alleged above, in Paragraph IV, is cause under Sections 10177(b) and 490 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, ANDRES SAUL PEREIRA, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 14th day of December, 1993.

STEVEN J. ELLIS
Deputy Real Estate Commissioner

cc: Andres Saul Pereira
William Patrick Jansen
Sacto.
CGT