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DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29903 LA
NESTOR ENECON PERALTA,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On April 22, 2003, a Decision was rendered herein, denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 9, 2003.

On January 18, 2007, Respondent petitioned for removal of restrictions attaching to his real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

1 requirements of law for the issuance to Respondent of an
2 unrestricted real estate salesperson license and that it
3 would not be against the public interest to issue said
4 license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for removal of restrictions is granted and that a real
7 estate salesperson license be issued to Respondent if Respondent
8 satisfies the following condition within nine (9) months from
9 the date of this Order:

10 (1) Submittal of a completed application and payment
11 of the fee for a real estate salesperson license.

12 (2) Submittal of evidence of having since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate
16 Law for renewal of a real estate license.

17 This Order shall be effective immediately.

18 Dated: 11-21-08

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20 JEFF DAVI
21 Real Estate Commissioner
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APR 30 2003
DEPARTMENT OF REAL ESTATE

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**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

NESTOR ENECON PERALTA,

Respondent

)
) No. H- 29903 LA
) L-2003020356
)
) **STIPULATION AND**
) **WAIVER**

I, NESTOR ENECON PERALTA, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on January 23, 2003, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

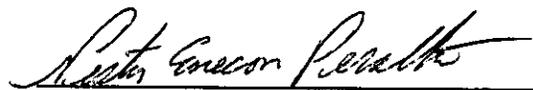
8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
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3. With the application for license, or with the application for transfer to a new employing broker, I shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:
- a. That broker has read the Statement of Issues 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.
4. My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have submitted the required evidence of course completion and the Commissioner has given written notice to me of the lifting of the suspension.
5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

24 DATED this 11 day of April, 2003.

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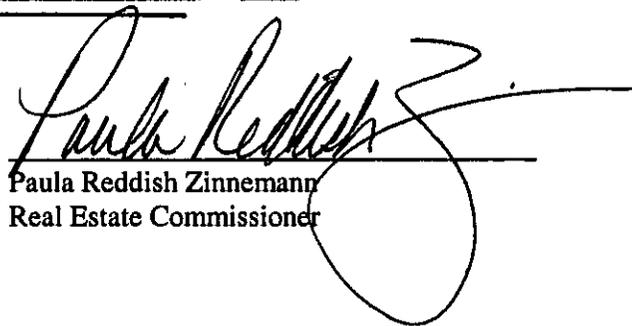
27 NESTOR ENECON PERALTA, Respondent

1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent NESTOR ENECON PERALTA if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 22nd day of April, 2003.

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14 Paula Reddish Zinnemann
15 Real Estate Commissioner
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1 10153.4 of the Code.

2 2.

3 In response to Question 25 of said application, to wit:
4 "Have you ever been convicted of any violation of law...?",
5 Respondent answered "Yes," and disclosed the conviction set forth
6 in Paragraph 3 below.

7 3.

8 On or about February 26, 1990, in the Los Angeles
9 County Municipal Court, Citrus Judicial District, State of
10 California, in Case Number 90M01866, Respondent was convicted of
11 one count each of violating Penal Code Section 484f(2) (credit
12 card fraud), and Penal Code Section 487(1) (grand theft), crimes
13 of moral turpitude substantially related to the qualifications,
14 functions and duties of a real estate licensee. Respondent was
15 sentenced to one year summary probation.

16 4.

17 On or about July 17, 2001, in the Los Angeles County
18 Municipal Court, Whittier Judicial District, State of California,
19 in Case Number 1WH02737, Respondent was convicted of violating
20 Vehicle Code Sections 23152(B) (driving with .08% or greater
21 alcohol level) and 12500 (A) (unlicensed driver), misdemeanors.
22 Respondent was sentenced to three years summary probation, the
23 terms of which included paying a fine of \$390 or serving 13 days
24 in Los Angeles County jail, payment of penalties and fines and
25 completion of counseling program. This conviction was not
26 disclosed in Respondent's application for a real estate license.

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On or about October 5, 1995, Respondent's unrestricted license to act as a Life Agent was revoked by the California Department of Insurance and Respondent was issued a restricted license. The conviction set forth in Paragraph 3 above formed the basis for this disciplinary action. Respondent disclosed this discipline in his application for a real estate license.

6.

Respondent's failure to reveal the conviction set forth in Paragraph 4 constitutes an attempt to procure a real estate license by misrepresentation or by making a material misstatement of fact in an application for a real estate license, and is grounds for denial of Respondent's application for a real estate license pursuant to Code Section 480(c).

7.

Respondent's conviction, as set forth in Paragraph 3, constitutes grounds for denial of Respondent's application for a real estate license pursuant to Code Sections 480(a) and 10177(b).

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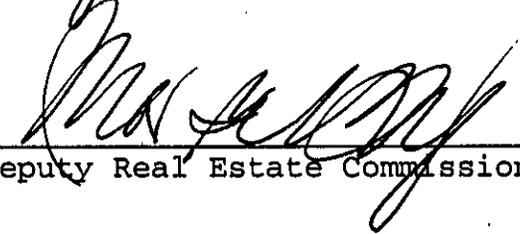
The discipline of Respondent's insurance license as set forth in Paragraph 5 constitutes grounds for denial of Respondent's application for a real estate license pursuant to Code Section 10177(f).

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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent NESTOR ENECON PERALTA and for such other
10 and further relief as may be proper under the law.

11 Dated at Los Angeles, California
12 this 21st day of January, 2003

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16 Deputy Real Estate Commissioner

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24 cc: Nestor Enecon Peralta
25 Sacto.
26 Maria Suarez
27 LM