

FILED  
DEC 23 2003  
DEPARTMENT OF REAL ESTATE

By K. Mulerholz

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-30223 LA
ALEJANDRO MUÑOZ GONZALEZ,	)	
Respondent.	)	<u>STIPULATION</u>
	)	<u>AND</u>
	)	<u>WAIVER</u>

It is hereby stipulated by and between ALEJANDRO MUNOZ GONZALEZ (hereinafter "Respondent") represented by Darin R. Dominguez, Esq., and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on August 8, 2003, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for

1 the purpose of requiring further proof of Respondent's honesty  
2 and truthfulness and to prove other allegations therein, or that  
3 she may in her discretion waive the hearing and grant Respondent  
4 a restricted real estate salesperson license based upon this  
5 Stipulation and Waiver. Respondent also understands that by  
6 filing the Statement of Issues in this matter the Real Estate  
7 Commissioner is shifting the burden to Respondent to make a  
8 satisfactory showing that Respondent meet all the requirements  
9 for issuance of a real estate salesperson license. Respondent  
10 further understands that by entering into this stipulation and  
11 waiver Respondent will be stipulating that the Real Estate  
12 Commissioner has found that Respondent has failed to make such  
13 a showing, thereby justifying the denial of the issuance to  
14 Respondent of an unrestricted real estate salesperson license.

15 B. Respondent hereby admits that the allegations of  
16 the Statement of Issues filed against Respondent are true and  
17 correct and requests that the Real Estate Commissioner in her  
18 discretion issue a restricted real estate salesperson license to  
19 Respondent under the authority of Section 10156.5 of the Business  
20 and Professions Code. Respondent understands that any such  
21 restricted license will be issued subject to and be limited by  
22 Section 10153.4 of the Business and Professions Code.

23 C. Respondent is aware that by signing this  
24 Stipulation and Waiver, Respondent is waiving Respondent's right  
25 to a hearing and the opportunity to present evidence at the  
26 hearing to establish Respondent's rehabilitation in order to  
27 obtain an unrestricted real estate salesperson license if this

1 Stipulation and Waiver is accepted by the Real Estate  
2 Commissioner. However, Respondent is not waiving Respondent's  
3 right to a hearing and to further proceedings to obtain a  
4 restricted or unrestricted license if this Stipulation and Waiver  
5 is not accepted by the Commissioner.

6 D. Respondent further understands that the following  
7 conditions, limitations, and restrictions will attach to a  
8 restricted license issued by the Department of Real Estate  
9 pursuant hereto:

10 1. The license shall not confer any property right in  
11 the privileges to be exercised including the right of renewal,  
12 and the Real Estate Commissioner may by appropriate order suspend  
13 the right to exercise any privileges granted under this  
14 restricted license in the event of:

15 a. The conviction of Respondent (including a plea of  
16 nolo contendere) to a crime which bears a substantial  
17 relationship to Respondent's fitness or capacity as a real estate  
18 licensee; or

19 b. The receipt of evidence that Respondent has  
20 violated provisions of the California Real Estate Law, the  
21 Subdivided Lands Law, Regulations of the Real Estate  
22 Commissioner, or conditions attaching to this restricted license.


23 2. Respondent shall not be eligible to apply for the  
24 issuance of an unrestricted real estate license nor the removal  
25 of any of the conditions, limitations or restrictions attaching  
26 to the restricted license until two years have elapsed from the  
27 date of issuance of the restricted license to Respondent.

1                   3. With the application for license, or with the  
2 application for transfer to a new employing broker, Respondent  
3 shall submit a statement signed by the prospective employing  
4 broker on a form approved by the Department of Real Estate  
5 wherein the employing broker shall certify as follows:

6                   a. That broker has read the Statement of Issues which  
7 is the basis for the issuance of the restricted license; and

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

12  
13 11-25-03  
14 DATED

  
15 Elliott Mac Lennan, Counsel  
16 Department of Real Estate

17 \* \* \*

18 I have read the Stipulation and Waiver, have  
19 discussed it with my counsel, and its terms are understood by  
20 me and are agreeable and acceptable to me. I understand that  
21 I am waiving rights given to me by the California  
22 Administrative Procedure Act (including but not limited to  
23 Sections 11506, 11508, 11509, and 11513 of the Government  
24 Code), and I willingly, intelligently, and voluntarily waive  
25 those rights, including the right of a hearing on the Statement  
26 of Issues at which I would have the right to cross-examine  
27 witnesses against me and to present evidence in defense and  
mitigation of the charges.

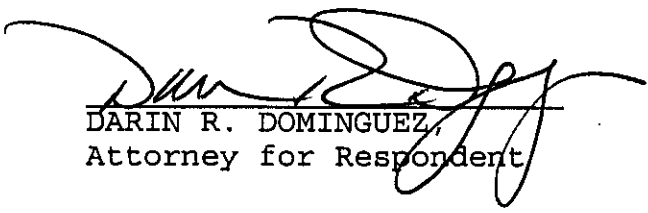
1 Respondent can signify acceptance and approval of the  
2 terms and conditions of this Stipulation and Wavier by faxing a  
3 copy of the signature page, as actually signed by Respondent,  
4 to Elliott Mac Lennan at the Department at fax number (213)  
5 576-6917. Respondent agrees, acknowledges and understands that  
6 by electronically sending to the Department a fax copy of his  
7 actual signature as it appears on the Stipulation and Waiver,  
8 that receipt of the faxed copy by the Department shall be as  
9 binding on Respondent as if the Department had received the  
10 original signed Stipulation and Waiver.

11  
12 12-8-03  
DATED

  
ALEJANDRO MUNOZ GONZALEZ  
Respondent

14 I have reviewed the Stipulation and Waiver as to form  
15 and content and have advised my client accordingly.

16  
17 12/8/03  
DATED

  
DARIN R. DOMINGUEZ,  
Attorney for Respondent

19  
20 I have read the Statement of Issues filed herein and  
21 the foregoing Stipulation and Waiver signed by Respondent. I  
22 am satisfied that the hearing for the purpose of requiring  
23 further proof as to the honesty and truthfulness of Respondent  
24 need not be called and that it will not be inimical to the  
25 public interest to issue a restricted real estate salesperson  
26 license to Respondent.

1 Therefore, IT IS HEREBY ORDERED that a restricted real  
2 estate salesperson license be issued to Respondent ALEJANDRO  
3 MUNOZ GONZALEZ if Respondent has otherwise fulfilled all of the  
4 statutory requirements for licensure. The restricted license  
5 shall be limited, conditioned, and restricted as specified in the  
6 foregoing Stipulation and Waiver.

7 This Order is effective immediately.

8 IT IS SO ORDERED December 19, 2003.

9 JOHN R. LIBERATOR  
10 Chief Deputy Commissioner

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*Sacto*

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

**FILED**  
NOV - 4 2003  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

By: *K. Stuberhoff*

ALEJANDRO MUNOZ GONZALEZ,

}  
}

Case No. H-30223 LA

OAH No. L-2003080618

*Respondent*

**CONTINUED  
NOTICE OF HEARING ON APPLICATION**

**To the above named respondent:**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at **320 W. Fourth Street, Ste. 630, Los Angeles, California** on **December 10, 2003**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: NOV - 4 2003

By: *EL*  
**ELLIOTT MAC LENNAN, Counsel**

cc: Alejandro Munoz Gonzalez  
Darin R. Dominguez, Esq.  
Sacto/OAH/LM

*Sacto*  
*gls*

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

**FILED**  
SEP 25 2003  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

ALEJANDRO MUNOZ GONZALEZ,

By *K. Mederholt*

Case No. H-30223 LA

OAH No. L-2003080618

}

*Respondent*

**NOTICE OF HEARING ON APPLICATION**

**To the above named respondent:**

You are hereby notified that a hearing will be held before the Department of Real Estate at 320 W. Fourth Street, Ste. 630, Los Angeles, California on November 18, 2003, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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DEPARTMENT OF REAL ESTATE

Dated: SEP 25 2003

By *ELM*  
ELLIOTT MAC LENNAN, Counsel

cc: Alejandro Munoz Gonzalez  
Sacto/OAH/LM



*Sacks  
Gly.*

1 ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
2 320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
3  
4 Telephone: (213) 576-6911 (direct)  
-or- (213) 576-6982 (office)

**FILED**  
AUG - 8 2003  
DEPARTMENT OF REAL ESTATE

By *R. Frederholt*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11	In the Matter of the Application of )	No. H-30223 LA
12	ALEJANDRO MUNOZ GONZALEZ, )	<u>STATEMENT OF ISSUES</u>
13	Respondent. )	

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against ALEJANDRO MUNOZ GONZALEZ (Respondent) is informed and  
18 alleges in her official capacity as follows:

19 1.

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate salesperson  
22 license on or about June 28, 2002.

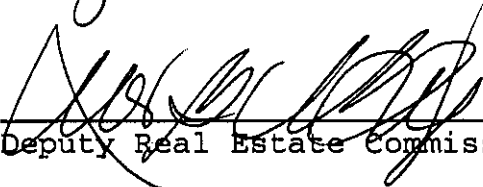
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1                   WHEREFORE, the Complainant prays that above-entitled  
2 matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of, a real estate salesperson  
5 license to Respondent ALEJANDRO MUNOZ GONZALEZ, and for such  
6 other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this *4th* day of August 2003.

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12 Deputy Real Estate Commissioner

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22  
23 cc: Alejandro Munoz Gonzalez  
24       Maria Suarez  
25       Sacto  
26       LM  
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