

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

4 Telephone: (213) 576-6982

FILED
MAY 19 2010
DEPARTMENT OF REAL ESTATE

By C. Garcia

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6
7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 **JOSE LUIS MARQUEZ,**

12
13 Respondent)

) No. H- 36307 LA

)
) **STIPULATION AND**
) **WAIVER**
)

14
15 It is hereby stipulated by and between JOSE LUIS MARQUEZ (hereinafter "Respondent") and
16 Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Lissete Garcia, Counsel
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
18 Issues filed on October 19, 2009, in this matter:

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

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

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

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
20 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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P. 05/08

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

- 5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
 6 restricted license and
 7 b. That broker will carefully review all transaction documents prepared by the restricted
 8 licensee and otherwise exercise close supervision over the licensee's performance of acts
 9 for which a license is required.

11 _____
Date

11 _____
Linda Garcia, Counsel, Department of Real Estate

12 * * *

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

19 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
 20 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax
 21 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
 22 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
 23 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
 24 the original signed Stipulation and Waiver.

25 4/9/10
26 _____
Date

25 _____
Jose Luis Marquez, Respondent

27 Page 3 of 4

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FAX NO.

P. 08/06

I have reviewed the Stipulation and Waiver as to form and content and have advised my client

accordingly.

4-9-10
(Date)

Frank M. Duda
Frank M. Duda, Attorney for Respondent

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 in the public interest in 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

Jeff Davi
Real Estate Commissioner

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3. With the application for license, or with the application for transfer to a new employing broker,

Respondent 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.

4-14-10
Dated

Lissette Garcia
Lissette Garcia, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, 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 a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

Dated

Jose Luis Marquez, Respondent

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

Dated Frank M. Buda, Attorney for Respondent

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.

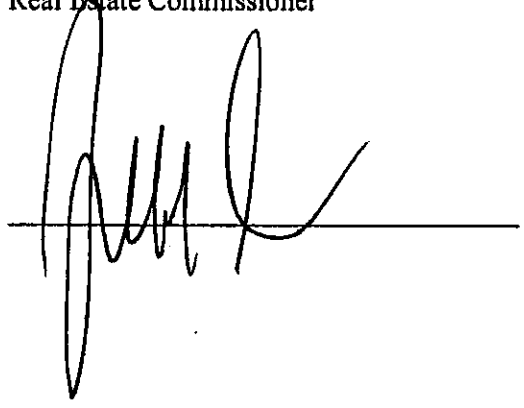
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

9/26/2010

Jeff Davi
Real Estate Commissioner



5/2

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
OCT 19 2009
DEPARTMENT OF REAL ESTATE

By ~~CS~~

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-36307 LA
12 JOSE LUIS MARQUEZ,) STATEMENT OF ISSUES
13 Respondent.)
14 _____)

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16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JOSE LUIS MARQUEZ, aka Jose Marquez, Jose Luis Marques-
19 Dominguez and Jose Luis Dominguez ("Respondent"), is informed and
20 alleges in her official capacity as follows:

21 I

22 On or about May 30, 2008, Respondent made application to
23 the Department of Real Estate of the State of California, for a
24 real estate salesperson license.

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1 II

2 On or about January 3, 2005, in the Superior Court of
3 the State of California, Los Angeles County, Case No. 5DW00012,
4 Respondent was convicted of violating Penal Code Section 273.5(a)
5 (inflict corporal injury to spouse), a misdemeanor. Said crime
6 bears a substantial relationship to the qualifications, functions
7 or duties of a real estate licensee under Section 2910, Title 10,
8 Chapter 6, California Code of Regulations.

9 III

10 On or about September 4, 1998, in the Municipal Court of
11 the State of California, Los Angeles County, Case No. TA051590,
12 Respondent was convicted of violating Penal Code Section 261.5(d)
13 (unlawful sexual intercourse with minor under the age of 16 years)
14 and Penal Code Section 487(a) (grand theft of personal property),
15 felonies. Said crimes bear a substantial relationship to the
16 qualifications, functions or duties of a real estate licensee
17 under Section 2910, Title 10, Chapter 6, California Code of
18 Regulations.

19 IV

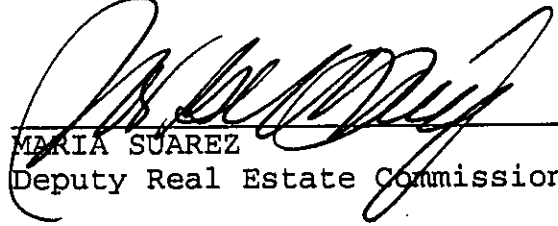
20 The crimes of which Respondent was convicted, as alleged
21 in Paragraphs II and III above, constitute cause for denial of
22 Respondent's application for a real estate license under Business
23 and Professions Code Sections 475(a)(2), 480(a), and 10177(b).

24 These proceedings are brought under the provisions of
25 Section 10100, Division 4 of the Business and Professions Code of
26 the State of California and Sections 11500 through 11528 of the
27 California Government Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, JOSE LUIS MARQUEZ, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 5th day of October, 2009.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Jose Luis Marquez
Ruben A. Diaz
Maria Suarez
Sacto.