

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

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FILED

APR 27 2017

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 *In the Matter of the Application of*

12 ELIAS HERRERA JR

13 Respondent.

H- 40590 LA

STIPULATION AND WAIVER

14
15 I, ELIAS HERRERA JR ("Respondent") do hereby affirm that I have applied to the Bureau
16 of Real Estate ("Bureau") for a real estate salesperson license, and that to the best of my knowledge
17 I have satisfied all of the statutory requirements for the issuance of the license, including, but not
18 limited to, the payment of the fee therefor.

19 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
20 Real Estate Commissioner ("Commissioner") has found grounds that justify the denial of the
21 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to
22 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Sections
23 480(a)(1), 480(d), 10177(a), 10177(b)(1), of the Business and Professions Code ("Code") for the
24 following convictions and for my failure to disclose said convictions:

- 25
- 26 • On or about July 27, 2007: Violation of Vehicle Code Section 23152(b) (driving while
having a 0.08% or higher blood alcohol), a misdemeanor.
 - 27 • On or about June 30, 2005: Violation of Penal Code Section 594(a) (vandalism), a

1 misdemeanor—dismissed pursuant to Penal Code Section 1203.4.

- 2 • On or about August 9, 2004: Violation of Vehicle Code Sections 14601.5(a) (driving while
3 license suspended/revoked: DUI/refuse test), a misdemeanor and Vehicle Code Section
4 23103(a) (reckless driving), a misdemeanor.
- 5 • On or about June 7, 2004: Violation of Vehicle Code Section 23152(b) (driving while
6 having a 0.08% or higher blood alcohol), a misdemeanor.
- 7 • On or about January 28, 2004: Violation of Vehicle Code Section 12500(a) (driving without
8 a license) a misdemeanor.
- 9 • On or about December 23, 2003: Violation of Vehicle Code Section 23103(a) (reckless
10 driving), a misdemeanor.

11 I hereby request that the Commissioner in his discretion issue a restricted real estate
12 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I
13 understand that any such restricted license will be issued subject to the provisions and limitations of
14 Sections 10156.6 and 10156.7 of the Code.

15 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation
16 and Waiver is accepted and signed by the Commissioner, the Commissioner will not file a
17 Statement of Issues based on the grounds herein, and I am waiving my right to a hearing and the
18 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
19 unrestricted real estate salesperson license.

20 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and
21 restrictions imposed on my restricted license, identified below, may be removed only by filing a
22 Petition for Removal of Restrictions (“Petition”) with the Commissioner, and that my Petition must
23 follow the procedures set forth in Government Code Section 11522.

24 I further understand that the restricted license issued to me shall be subject to all of the
25 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
26 restrictions imposed under authority of Section 10156.6 of the Code:

- 27 1. The restricted license shall not confer any property right in the privileges to be exercised
 including the right of renewal, and the Commissioner may by appropriate order suspend

1 the right to exercise any privileges granted under the restricted license in the event of:

2 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
3 bears a substantial relationship to Respondent's fitness or capacity as a real estate
4 licensee; or

5 b. The receipt of evidence that Respondent has violated provisions of the California
6 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
7 conditions attaching to the restricted license.

8 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
9 estate license nor the removal of any of the conditions, limitations, or restrictions
10 attaching to the restricted license until two (2) years have elapsed from the date of
11 issuance of the restricted license to Respondent. Respondent shall not be eligible to
12 apply for any unrestricted licenses until all restrictions attaching to the license have
13 been removed.

14 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
15 sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
16 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
17 Respondent's arrest, the crime for which Respondent was arrested, and the name and
18 address of the arresting law enforcement agency. Respondent's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted
20 license and shall be grounds for the suspension or revocation of that license.

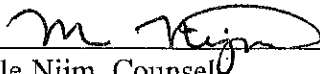
21 4. With the application for license or with the application for transfer to a new employing
22 broker, Respondent shall submit a statement signed by the prospective employing
23 broker on a form approved by the Bureau wherein the employing broker shall certify as
24 follows:

25 a. That the broker has read the Stipulation and Waiver which is the basis for the
26 issuance of the restricted license; and

27 b. That the broker will carefully review all transaction documents prepared by the

1 restricted licensee and otherwise exercise close supervision over the licensee's
2 performance of acts for which a license is required.

3
4 3/30/2017
Dated

5 
Michelle Nijm, Counsel
Bureau of Real Estate

6 * * *

7 Respondent has read this Stipulation and Waiver, and its terms are understood by
8 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
9 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,
10 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and
11 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited
12 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to
13 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of
14 the charges.

15 Respondent shall send a hard copy of the original signed Stipulation and Waiver to Michelle
16 Nijm, Bureau of Real Estate, 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105.

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

24
25 3/24/2017
Dated

26 
ELIAS HERRERA JR, Respondent

27 * * *

1 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that
2 the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
3 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
6 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for
7 licensure. The restricted salesperson license shall be limited, conditioned, and restricted as
8 specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 IT IS SO ORDERED 4/20/17

11 WAYNE S. BELL
12 REAL ESTATE COMMISSIONER

13
14 

15 By: DANIEL J. SANDRI
16 Chief Deputy Commissioner