

FILED

AUG 17 2021

DEPT. OF REAL ESTATE

By *Cal Selou*

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

4 Telephone: (213) 576-6982

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

10 * * *

11 In the Matter of the Application of)

12 RAUL AVILA,)

13 Respondent.)

H-42041 LA

14 **STIPULATION AND WAIVER**

15 I, Raul Avila ("Respondent"), do hereby affirm that I have applied to the Department of
16 Real Estate ("Department") for a real estate salesperson license, and that to the best of my
17 knowledge I have satisfied all of the statutory requirements for the issuance of the license,
18 including, but not 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 Section
23 10177(b) of the Business and Professions Code ("Code") for the following convictions: on
24 December 10, 2012, two violations of California Revenue and Tax Code section 19706 (bank
25 submit fake unfiled return: evade taxes), both felonies.

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

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

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

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

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

1 attaching to the restricted license until two (2) years have elapsed from the date of
2 issuance of the restricted license to Respondent. Respondent shall not be eligible to
3 apply for any unrestricted licenses until all restrictions attaching to the license have
4 been removed.

5 3. Respondent shall notify the Commissioner in writing within seventy-two (72) hours of
6 any arrest by sending a certified letter to the Commissioner at the Department of Real
7 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth
8 the date of Respondent's arrest, the crime for which Respondent was arrested, and the
9 name and address of the arresting law enforcement agency. Respondent's failure to
10 timely file written notice shall constitute an independent violation of the terms of the
11 restricted license and shall be grounds for the suspension or revocation of that license.

12 4. With the application for license or with the application for transfer to a new employing
13 broker, Respondent shall submit a statement signed by the prospective employing
14 broker on a form approved by the Department wherein the employing broker shall
15 certify as follows:

- 16 a. That the broker has read the Stipulation and Waiver which is the basis for the
17 issuance of the restricted license; and
18 b. That the broker will carefully review all transaction documents prepared by the
19 restricted licensee and otherwise exercise close supervision over the licensee's
20 performance of acts for which a license is required.

21
22 07/08/2021
23 Dated

24 Andrea Bentler
25 Andrea Bentler, Counsel
26 Department of Real Estate

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

9 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
10 Andrea Bentler, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California
11 90013.

12 July 6, 2021

13 _____
14 Dated

15 
16 _____
17 RAUL AVILA, Respondent

18 * * *

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

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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 salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 8 - 12 - 21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

