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1991 1992

DEPARTMENT OF REAL ESTATE
Sylvia Williams

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

◆ ◆ ◆

In the Matter of the Application of)	
EDDIE HERBERT SMITH, JR.,)	No. H- 1924 SD
)	STIPULATION AND WAIVER
Respondent.)	
_____)	

I, EDDIE HERBERT SMITH, JR., 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 December 27, 1991, 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 he may in his 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 issuance
2 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 his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

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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. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under the provisions of Section 10153.4 of the Business and Professions Code, 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 respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of issuance of the restricted license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

✓ DATED this 17TH day of JANUARY, 19 92.

✓ Eddie Herbert Smith Jr.
Respondent

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO } S.S.

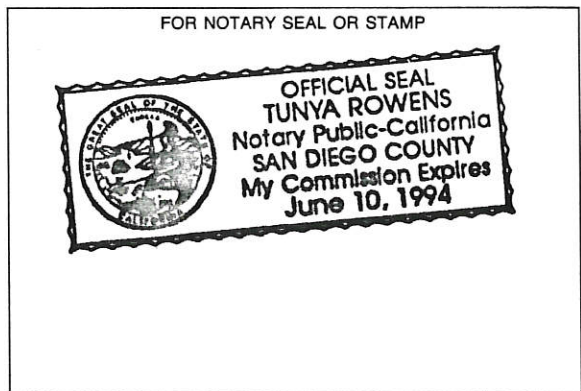


Gateway Title Company

On JANUARY 17, 1992 before me,
TUNYA R. ROWENS, personally
appeared EDDIE HERBERT SMITH, JR.

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Signature Tunya Rowens



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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 EDDIE HERBERT SMITH, JR. 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.

DATED this 28th day of January, 19 92

CLARK WALLACE
Real Estate Commissioner



Handwritten note in top left corner: "SPO..."

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 897-3937

FILED

DEC 27 1991

DEPARTMENT OF REAL ESTATE
BY *Walter Morgan*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of) NO. H-1924 SD
 EDDIE HERBERT SMITH, JR.,)
 Respondent.)
_____)

15 The The Real Estate Commissioner, in conformity with
16 Section 10152, Division 4, Business and Professions Code of
17 the State of California, requires further proof of the honesty
18 and truthfulness of EDDIE HERBERT SMITH, JR. (hereinafter
19 referred to as respondent), in connection with respondent's
20 application for real estate salesperson license, filed on
21 June 21, 1991, and in relation thereto, will consider the
22 following:

I

24 Respondent, pursuant to the provisions of Section
25 10153.3 of the Business and Professions Code, made application
26 to the Department of Real Estate of the State of California
27 for a real estate salesperson license on or about June 21,

1 1991, with the knowledge and understanding that any license
2 issued as a result of said application would be subject to the
3 conditions of Section 10153.4 of the Business and Professions
4 Code.

5 II

6 On or about October 2, 1987, in the Municipal Court,
7 County of San Diego, State of California, respondent was
8 convicted of violating Penal Code Section 653f(a), a crime
9 involving mortal turpitude.

10 III

11 The crime of which respondent was convicted bears a
12 substantial relationship to the qualifications, functions or
13 duties of a real estate licensee.

14 IV

15 Respondent's conviction is grounds for denying
16 respondent's application for a real estate license under
17 Section 480 and 10177(b) of the Business and Professions Code
18 of the State of California.

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

5 Dated at San Diego, California
6 this 27th day of December, 1991

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J. CHRIS GRAVES
Deputy Real State Commissioner

cc: Eddie Herbert Smith, Jr.
Jack David Einbinder
Sacto.
FF