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Telephone: (916) 227-0789

~~DEPARTMENT OF REAL ESTATE~~

In the Matter of the Application of

No. H- 3950 SD

STIPULATION AND WAIVER

Respondent

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 April 27, 2009, 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
2 issuance 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
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

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

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

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

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

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
8 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
9 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
11 the original signed Stipulation and Waiver.

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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 ASHLEY OLIVIA PETERSON 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

June 26, 2009

Jeff Davi
Real Estate Commissioner

Dolores Weeks
Dolores Weeks
Southern Regional Manager

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED

MAY 18 2009

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of
12 ASHLEY OLIVIA PETERSON,
13 Respondent.

No. H-3950 SD

FIRST AMENDED
STATEMENT OF ISSUES

15
16 The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the
17 State of California, for Statement of Issues against ASHLEY OLIVIA PETERSON (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 Respondent made application to the Department of Real Estate of the State of
21 California for a real estate salesperson license on or about February 11, 2008.

22 2

23 Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of
24 California, makes this First Amended Statement of Issues in his official capacity and not
25 otherwise.

26 ///

27 ///

1 3

2 In response to Question 23 of said application, to wit: "Have you ever been
3 convicted of any violation of law?", Respondent answered "Yes" and disclosed the conviction set
4 forth in Paragraph 5 below.

5 4

6 In response to Question 26 of said application, to wit: "Are there any license
7 disciplinary actions pending against a business or professional license you hold at this time?",
8 Respondent answered "No."

9 5

10 On or about October 21, 1998, in the State of Florida, Tallahassee, Respondent
11 was convicted of Possession of Drug Paraphernalia, a misdemeanor and crime which bears a
12 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
13 qualifications, functions, or duties of a real estate licensee.

14 6

15 On or about May 12, 2006, in the Superior Court, County of San Diego,
16 Respondent was convicted of a violation of Section 242/243 of the California Penal Code
17 (Battery), a misdemeanor and crime which bears a substantial relationship under Section 2910,
18 Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate
19 licensee.

20 7

21 On or about February 2008 after proceedings comparable to the Administrative
22 Procedure Act in which Respondent was given fair notice of the charges, an opportunity for a
23 hearing, and other due process protections, the California Commission on Teacher Credentialing,
24 ordered that the Respondent's multiple subject teaching credential No. 060018191 be suspended,
25 for acts which, if done by a real estate licensee, would be grounds for the suspension or
26 revocation of a California real estate license pursuant to the provisions of Sections 10177(b).

27 ///

8

The crimes of which Respondent was convicted, as alleged in Paragraphs 5 and 6, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

9

Respondent's failure to reveal the conviction set forth in Paragraph 6 in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the California Business and Professions Code.

10

The discipline of Respondent's license as described in Paragraph 7, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(f) of the California Business and Professions Code.

11

Respondent's failure to reveal the pending license disciplinary actions that resulted in the discipline set forth in Paragraph 7 in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the California Business and Professions Code.

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

5
6 
7 PHILLIP IHDE
8 Deputy Real Estate Commissioner

9 Dated at Los Angeles, California,
10 this 14th day of May, 2009.
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1 TRULY SUGHRUE, Counsel
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FILED

APR 27 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

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

11 * * *

12 In the Matter of the Application of)
13 ASHLEY OLIVIA PETERSON,)
14 Respondent.)

No. H-3950 SD

STATEMENT OF ISSUES

15
16 The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the
17 State of California, for Statement of Issues against ASHLEY OLIVIA PETERSON (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 Respondent made application to the Department of Real Estate of the State of
21 California for a real estate salesperson license on or about February 11, 2008.

22 2

23 Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of
24 California, makes this Statement of Issues in his official capacity and not otherwise.

25 ///

26 ///

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3

In response to Question 23 of said application, to wit: "Have you ever been convicted of any violation of law?", Respondent answered "Yes" and disclosed the conviction set forth in Paragraph 4 below.

4

On or about October 21, 1998, in the State of Florida, Tallahassee, Respondent was convicted of Possession of Drug Paraphernalia, a misdemeanor and crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

5

On or about May 12, 2006, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 242/243 of the California Penal Code (Battery), a misdemeanor and crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

6

The crimes of which Respondent was convicted, as alleged above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.


7

Respondent's failure to reveal the conviction set forth in Paragraph 5 in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the California Business and Professions Code.

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

6
7 
8 PHILLIP IHDE
Deputy Real Estate Commissioner

9 Dated at Los Angeles, California,
10 this 23rd day of APRIL 2009.