

**FILED**

JAN 10 2013

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

DEPARTMENT OF REAL ESTATE  
BY: *R. Medelich*

4 Telephone: (213) 576-6982  
5  
6  
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 WILLIAM JOHN KELLY, )

13 Respondent. )

No. H- 04446 SD

STIPULATION AND

WAIVER

14 (B&P 10100.4)  
15

16 I, WILLIAM JOHN KELLY ("Respondent") do hereby affirm that I have applied to the  
17 Department of Real Estate for a real estate salesperson license, and that to the best of my  
18 knowledge I have satisfied all of the statutory requirements for the issuance of the license,  
19 including, but not limited to, the payment of the fee therefor.

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the  
21 Real Estate Commissioner has found grounds that justify the denial of the issuance of an  
22 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the  
23 issuance of an unrestricted real estate salesperson license to me pursuant to California Business  
24 and Professions Code Sections 480(a) and 10177(b) in that on or about July 1, 2003, I was  
25 convicted of violating Colorado CRS 42-4-1301 (driving while ability impaired), on or about  
26 August 9, 2006, violating Colorado CRS 18-9-106(1)(a)(PO-1) (disorderly conduct), on or about  
27 November 14, 2006, violating Colorado CRS 18-9-106(1)(d)(M-3) (disorderly conduct), on or

1 about August 14, 2007, violating Colorado CRS 42-4-1301 (driving under the influence), on or  
2 about April 21, 2008, violating Colorado CRS 54-515 (unlawful to use slugs), and on or about  
3 August 28, 2008, violating Colorado CRS 42-3-121(1)(b) (fictitious plates-altered).

4 I hereby request that the Real Estate Commissioner in his discretion issue a restricted real  
5 estate salesperson license to me under the authority of California Business and Professions Code  
6 Sections 10100.4 and 10156.5. I understand that any such restricted license will be issued  
7 subject to the provisions of and limitations of California Business and Professions Code Sections  
8 10156.6 and 10156.7.

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

14 I further understand that the following conditions, limitations, and restrictions will attach  
15 to a restricted real estate salesperson license issued by the Department of Real Estate pursuant  
16 hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised  
18 including the right of renewal, and the Real Estate Commissioner may by appropriate  
19 order suspend the right to exercise any privileges granted under this restricted license  
20 in the event of:
  - 21 a. The conviction of respondent (including a plea of nolo contendere) to a crime  
22 that bears a substantial relationship to Respondent's fitness or capacity as a real  
23 estate licensee; or
  - 24 b. The receipt of evidence that Respondent has violated provisions of the  
25 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real  
26 Estate Commissioner, or conditions attaching to this restricted license.
- 27 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license

1 nor the removal of any of the conditions, limitations, or restrictions attaching to the  
2 restricted license until two (2) years have elapsed from the date of issuance of the  
3 restricted license to Respondent.

4 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest  
5 by sending a certified letter to the Real Estate Commissioner at the Department of  
6 Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall  
7 set forth the date of Respondent's arrest, the crime for which Respondent was  
8 arrested, and the name and address of the arresting law enforcement agency.  
9 Respondent's failure to timely file written notice shall constitute an independent  
10 violation of the terms of the restricted license and shall be grounds for the suspension  
11 or revocation of that license.

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

- 16 a. That broker has read the Statement of Issues which is the basis for the issuance  
17 of the restricted license; and
- 18 b. That 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 Oct. 2, 2012  
22 Dated

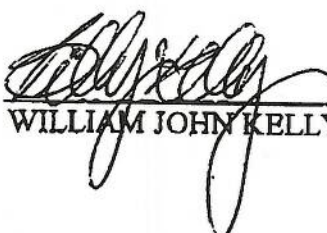
23 James R. Peep  
24 Counsel  
25 Department of Real Estate

26 5. I have read the Stipulation and Waiver, and its terms are understood by me and are  
27 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, California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right to a hearing on a 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.

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

9-28-2012                        
Dated                                      WILLIAM JOHN KELLY, Respondent

I have read 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 WILLIAM JOHN KELLY 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.

1 Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I  
2 willingly, intelligently, and voluntarily waive those rights, including, but not limited  
3 to, the right to a hearing on a Statement of Issues at which I would have the right to  
4 cross-examine witnesses against me and to present evidence in defense and  
5 mitigation of the charges.

- 6 6. Respondent can signify acceptance and approval of the terms and conditions of this  
7 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by  
8 Respondent, to the Department of Real Estate at the following telephone/fax number:  
9 (213) 576-6917. Respondent agrees, acknowledges, and understands that by  
10 electronically sending to the Department of Real Estate a fax copy of his/her actual  
11 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy  
12 by the Department of Real Estate shall be as binding on Respondent as if the  
13 Department of Real Estate had received the original signed Stipulation and Waiver.  
14

15 \_\_\_\_\_  
16 Dated

15 \_\_\_\_\_  
16 WILLIAM JOHN KELLY, Respondent

17  
18 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied  
19 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of  
20 Respondent need not be called and that it will not be inimical to the public interest to issue a  
21 restricted real estate salesperson license to Respondent.

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

26 This Order is effective immediately.  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

IT IS SO ORDERED

11/13/2012



Real Estate Commissioner  
By WAYNE S. BELL  
Chief Counsel