

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

DEC - 4 2008

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 ERIC WANENE

12
13 Respondent)
14)

) No. H- 10340 SF
)
)

) **STIPULATION AND**
) **WAIVER**
)

15 It is hereby stipulated between ERIC WANENE (hereinafter "Respondent") and Respondent's
16 attorney, ANNE RAWLINS, and the Complainant, acting by and through DANIEL E. KEHEW, Counsel
17 for the Department of Real Estate, as follows and for the purpose of settling and disposing of the Statement
18 of Issues filed on March 27, 2008, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate on March 27, 2008, in connection with
21 Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate
22 Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of
23 Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his
24 discretion waive the hearing and grant me a restricted real estate salesperson license based upon this
25 Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the
26 Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that I meet
27 all the requirements for issuance of a real estate salesperson license. Respondent further understand that by

1 entering into this Stipulation and Waiver Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be
8 limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
10 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
11 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
12 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
13 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
14 Waiver is not accepted by the Commissioner.

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

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

1 license until three years have elapsed from the date of issuance of the restricted license to
2 Respondent.

3 3. With the application for license, or with the application for transfer to a new employing broker,
4 Respondent shall submit a statement signed by the prospective employing broker on a form
5 approved by the Department of Real Estate wherein the employing broker shall certify as
6 follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance of the
8 restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the restricted
10 licensee and otherwise exercise close supervision over the licensee's performance of acts
11 for which a license is required.

12 4. Upon application for the issuance of an unrestricted real estate license or renewal of this
13 restricted real estate salesperson license, Respondent shall provide proof acceptable to the Real
14 Estate Commissioner that, during the term of this restricted real estate salesperson license,
15 Respondent has, each and every week, attended one or more sessions of Alcoholics Anonymous
16 or a program of a similar nature, or that such attendance in any week was impractical due to
17 travel for work, the illness of Respondent or a member of Respondent's family, incarceration,
18 residential treatment for substance abuse, extreme personal hardship for Respondent or a member
19 of Respondent's family, or family emergency.

20 5. Respondent's restricted real estate salesperson license is issued subject to the requirements of
21 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
22 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
23 the Commissioner of successful completion, at an accredited institution, of
24 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
25 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
26 real estate appraisal. If Respondent fails to timely present to the Department satisfactory
27 evidence of successful completion of the two required courses, the restricted license shall be

1 automatically suspended effective eighteen (18) months after the date of its issuance. Said
2 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
3 has submitted the required evidence of course completion and the Commissioner has given
4 written notice to Respondent of the lifting of the suspension.

5 6. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
6 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
7 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
8 until four years after the date of the issuance of the preceding restricted license.

9
10 10/15/08

11 Dated

10 Daniel E. Kehew

11 Daniel E. Kehew, Counsel, Department of Real Estate

12 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
13 understood by me and are agreeable and acceptable to me. I understand that I am waiving my rights given
14 to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
15 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
16 rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-
17 examine witnesses against me and to present evidence in defense and mitigation of the charges.

18 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
19 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax
20 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
21 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
22 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
23 the original signed Stipulation and Waiver.

24 11/04/08

25 Dated

24 Eric Wanene

25 ERIC WANENE, Respondent

26 I have reviewed the Stipulation and Waiver as to form and content and have advised my client
27 accordingly.

27 10/29/08

Dated

27 Anne Rawlins

ANNE RAWLINS, Counsel to Respondent

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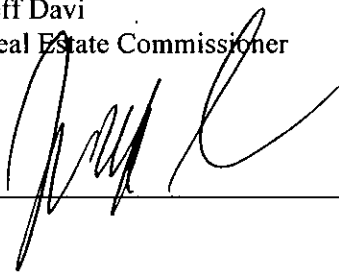
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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 ERIC WANENE 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 11-25-08

Jeff Davi
Real Estate Commissioner



1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0425 (Direct)

FILED

MAR 27 2008

DEPARTMENT OF REAL ESTATE

By K. Contreas

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 ERIC WANENE,)
13 Respondent.)

H-10340 SF

STATEMENT OF ISSUES

14 The Complainant, CHARLES W. KOENIG, a Deputy Real Estate
15 Commissioner of the State of California, for Statement of Issues
16 against ERIC WANENE (hereinafter "Respondent"), is informed and
17 alleges as follows:

18 I

19 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
20 Commissioner of the State of California, makes this Statement of
21 Issues against Respondent in his official capacity.

22 II

23 Respondent made application to the Department of Real
24 Estate of the State of California for a real estate salesperson
25 license on or about March 22, 2007, with the knowledge and
26 understanding that any license issued as a result of said
27 application would be subject to the conditions of Section 10153.4
of the Business and Professions Code (hereinafter "Code").

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III

On or about December 5, 2000, in the Municipal Court of the State of California, County of Alameda, Respondent was convicted of Vandalism in violation of Penal Code Section 594(a), a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (hereinafter "Regulations"), to the qualifications, functions, or duties of a real estate licensee.

IV

On or about March 27, 2001, in the Municipal Court of the State of California, County of Alameda, Respondent was convicted of Public Intoxication in violation of Penal Code Section 647(f), a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10, of the Regulations to the qualifications, functions, or duties of a real estate licensee.

V

On or about April 23, 2002, in the Municipal Court of the State of California, County of Alameda, Respondent was convicted of Cruelty to an Animal in violation of Penal Code Section 597(b), a misdemeanor and crime involving moral turpitude that bears a substantial relationship under Section 2910, Title 10, of the Regulations to the qualifications, functions, or duties of a real estate licensee.

VI

On or about May 6, 2003, in the Municipal Court of the State of California, County of Alameda, Respondent was convicted

1 of Trespass and Refusing to Leave Property in violation of Penal
2 Code Section 602(n), a misdemeanor and crime involving moral
3 turpitude that bears a substantial relationship under Section
4 2910, Title 10, of the Regulations to the qualifications,
5 functions, or duties of a real estate licensee.

6 VII

7 On or about June 21, 2005, in the Superior Court of the
8 State of California, County of Alameda, Respondent was convicted
9 of Battery in violation of Penal Code Section 242, a misdemeanor
10 and crime involving moral turpitude that bears a substantial
11 relationship under Section 2910, Title 10, of the Regulations to
12 the qualifications, functions, or duties of a real estate licensee.

13 VIII

14 Respondent's criminal convictions, described in
15 Paragraphs III, IV, V, VI, and VII, above, constitute cause for
16 denial of Respondent's application for a real estate license
17 under Sections 480(a) and 10177(b) of the Code.

18 WHEREFORE, Complainant prays that above-entitled matter
19 be set for hearing and, upon proof of the charges contained
20 herein, that the Commissioner refuse to authorize the issuance
21 of, and deny the issuance of a real estate salesperson license to
22 Respondent, and for such other and further relief as may be just
23 and proper under the law.

24 
25 CHARLES W. KOENIG
26 Deputy Real Estate Commissioner

27 Dated at Sacramento, California
this 26th day of March, 2008.