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FILED  
MAY - 4 2007  
DEPARTMENT OF REAL ESTATE

*[Handwritten Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-28715 LA  
)  
TARI DIANE CLAY, )  
)  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On October 18, 2000, a Decision was rendered herein denying the Respondent's application for a real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on November 8, 2000. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On March 9, 2004, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

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1 I have considered the petition of Respondent and  
2 the evidence submitted in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate salesperson license and that it  
6 would not be against the public interest to issue said  
7 license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for removal of restrictions is granted and that a real  
10 estate salesperson license be issued to Respondent if Respondent  
11 satisfies the following conditions within nine (9) months from  
12 the date of this Order:

13 1. Submittal of a completed application and payment  
14 of the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate  
19 Law for renewal of a real estate license.

20 This Order shall be effective immediately.

21 Dated: 2/14/87

22 JEFF DAVI  
23 Real Estate Commissioner

24  
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26  
27 cc: Tari D. Clay  
8095 Crystal Place  
Ventura, CA 93004

*Handwritten notes:*  
Suits  
Hoy

**FILED**  
OCT 25 2000  
DEPARTMENT OF REAL ESTATE

By Jayne B. Stone

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**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

<i>In the Matter of the Application of</i>	)	No. H- 28715 LA
	)	
TARI DIANE CLAY	)	
	)	<b>STIPULATION AND</b>
	)	<b>WAIVER</b>
Respondent	)	

I, TARI DIANE CLAY, 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 August 28, 2000, 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 she may in her 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 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
2 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license  
3 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
4 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
5 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:

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- 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. My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the issuance of the restricted license, to 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 I fail to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have submitted the required evidence of course completion and the Commissioner has given written notice to me of the lifting of the suspension.

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

DATED this 14 day of September, 2000.

Tari Clay  
Respondent, TARI DIANE CLAY

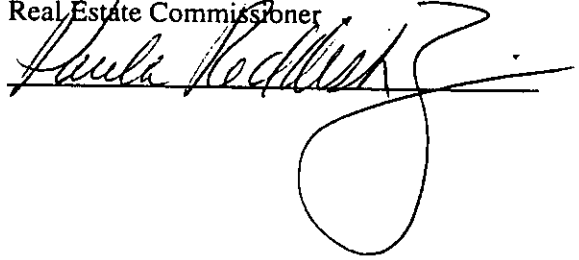
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public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

1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
2 respondent TARI DIANE CLAY if respondent has otherwise fulfilled all of the statutory requirements for  
3 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing  
4 Stipulation and Waiver.

5 This Order is effective immediately.

6 DATED this 18<sup>th</sup> day of October, 2000.

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9 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

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*Sacto*

MARTHA J. ROSETT, Counsel  
State Bar # 142072  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013

**FILED**  
AUG 28 2006  
DEPARTMENT OF REAL ESTATE

By Laura B. Simon

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(213) 576-6914

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-28715 LA
TARI DIANE CLAY,	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against TARI DIANE CLAY alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

II

On or about April 11, 2000, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, Respondent TARI DIANE CLAY (hereinafter "Respondent") made application to the Department of Real Estate of the State of

1 California (Department) for a real estate salesperson license,  
2 with the knowledge and understanding that any license issued as a  
3 result of said application would be subject to the conditions of  
4 Section 10153.4 of the California Business and Professions Code.

5 III

6 On or about September 15, 1994, in the Santa Barbara  
7 County Superior Court, in case number SB202270, Respondent was  
8 convicted on her plea of nolo contendere to violating California  
9 Penal Code Section 32, in connection with Health and Safety Code  
10 Section 11352 (accessory to conspiracy to sell cocaine), a felony  
11 and a crime of moral turpitude substantially related to the  
12 qualifications functions and duties of a real estate licensee.  
13 Respondent was sentenced to serve two days in county jail and two  
14 years probation. On or about May 20, 1998, an Order Expunging  
15 said conviction was entered, pursuant to Penal Code Section  
16 1203.4. Accordingly, the plea was sent aside, the charges  
17 reduced to a misdemeanor and the complaint and charges dismissed.

18 IV

19 The conviction and acts described in paragraph III  
20 above constitute grounds for denial of Respondent's application  
21 for a California real estate license pursuant to Business and  
22 Professions Code Section 480 and 10177(b).

23 These proceedings are brought under the provisions of  
24 Section 10100, Division 4 of the Business and Professions Code of  
25 the State of California and Sections 11500 through 11528 of the  
26 Government Code.

27 WHEREFORE, the Complainant prays that this matter be



1 set for hearing and, upon proof of the charges contained herein,  
2 that the Commissioner refuse to authorize the issuance of, and  
3 deny the issuance of, a real estate salesperson license to  
4 Respondent TARI DIANE CLAY and for such other and further relief  
5 as may be proper under the law.

6 Dated at Los Angeles, California  
7 this 28th day of August, 2000.

8   
9 James McCarty  
Deputy Real Estate Commissioner

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cc: TARI DIANE CLAY  
Victorian Walk, Inc.  
Sacto.  
AP  
TM