

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982  
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**FILED**

NOV 03 2006

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 ) NO. H-32689 LA  
12 ) L-2006060738  
13 DYLAN JERROLD ROWLEY, )  
14 ) STIPULATION AND  
15 ) WAIVER  
16 ) Respondent. )

16 It is hereby stipulated by and between DYLAN JERROLD  
17 ROWLEY, (hereinafter "Respondent" and Respondent's attorney,  
18 Mary E. Work, Esq., and the Complainant, acting by and through  
19 Alvaro Mejia, Counsel for the Department of Real Estate, as  
20 follows for the purpose of settling and disposing of the  
21 Statement of Issues filed on April 14, 2006 in this matter:

22 Respondent acknowledges that Respondent has received  
23 and read the Statement of Issues and the Statement to Respondent  
24 filed by the Department of Real Estate in connection with  
25 Respondent's application for a real estate salesperson license.  
26 Respondent understands that the Real Estate Commissioner may  
27

1 hold a hearing on this Statement of Issues for the purpose of  
2 requiring further proof of Respondent's honesty and truthfulness  
3 and to prove other allegations therein, or that he may in his  
4 discretion waive the hearing and grant Respondent a restricted  
5 real estate salesperson license based upon this Stipulation and  
6 Waiver. I also understand that by filing the Statement of  
7 Issues in this matter the Real Estate Commissioner is shifting  
8 the burden to me to make a satisfactory showing that I meet all  
9 the requirements for issuance of a real estate salesperson  
10 license. I further understand that by entering into this  
11 stipulation and waiver, I will be stipulating that the Real  
12 Estate Commissioner has found that the Respondent has failed to  
13 make such a showing, thereby justifying the denial of the  
14 issuance to Respondent of an unrestricted real estate  
15 salesperson license.

16  
17 Respondent hereby admits the allegations of the  
18 Statement of Issues filed against Respondent are true and  
19 correct and requests that the Real Estate Commissioner in his  
20 discretion issue a restricted real estate salesperson license to  
21 me under the authority of Section 10156.5 of the Business and  
22 Professions Code. Respondent understands that any such  
23 restricted license will be issued subject to and be limited by  
24 Section 10153.4 of the Business and Professions Code.

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1 Respondent is aware that by signing this Stipulation  
2 and Waiver, Respondent is waiving Respondent's right to a  
3 hearing and the opportunity to present evidence at the hearing  
4 to establish Respondent's rehabilitation in order to obtain an  
5 unrestricted real estate salesperson license if this Stipulation  
6 and Waiver is accepted by the Real Estate Commissioner.

7 However, Respondent is not waiving Respondent's right to a  
8 hearing and to further proceedings to obtain a restricted or  
9 unrestricted license if this Stipulation and Waiver is not  
10 accepted by the Commissioner.

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

15 1. The license shall not confer any property right in  
16 the privileges to be exercised including the right of renewal,  
17 and the Real Estate Commissioner may by appropriate order  
18 suspend the right to exercise any privileges granted under this  
19 restricted license in the event of:

20 a. The conviction of Respondent (including a plea of  
21 nolo contendere) to a crime which bears a substantial  
22 relationship to Respondent's fitness or capacity as a real  
23 estate licensee; or

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1                   b. The receipt of evidence that Respondent has  
2 violated provisions of the California Real Estate Law, the  
3 Subdivided Lands Law, Regulations of the Real Estate  
4 Commissioner or conditions attaching to this restricted license.

5                   2. Respondent shall not be eligible to apply for the  
6 issuance of an unrestricted real estate license nor the removal  
7 of any of the conditions, limitations or restrictions attaching  
8 to the restricted license until two years have elapsed from the  
9 date of issuance of the restricted license to respondent.

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

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

17                   b. That broker will carefully review all transaction  
18 documents prepared by the restricted licensee and otherwise  
19 exercise close supervision over the licensee's performance of  
20 acts for which the license is required.  
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1                   4. Six (6) months after the issuance of the restricted  
2 license, and at six month intervals thereafter during the term  
3 of any restricted license issued pursuant to this Decision,  
4 Respondent shall provide proof acceptable to the Real Estate  
5 Commissioner that, during the preceding six months, Respondent  
6 has, each and every week, attended one or more sessions of  
7 Alcoholics Anonymous or similar 12 Step or substance abuse  
8 Program, or that such attendance in any week was impractical due  
9 to travel for work, the illness of Respondent or a member of  
10 Respondent's family, vacation, incarceration, residential  
11 treatment for substance abuse, extreme personal hardship for  
12 Respondent or a member of Respondent's family, or family  
13 emergency. Respondent shall submit such proof to the Los  
14 Angeles Crisis Response Team Manager of the Department of Real  
15 Estate

16                   The Commissioner may suspend the restricted license  
17 issued to Respondent pending a hearing held in accordance with  
18 Section 11500 et seq., of the Government Code, if such proof is  
19 not timely submitted as provided for herein, or as provided for  
20 in a subsequent agreement between the Respondent and the  
21 Commissioner. The suspension shall remain in effect until such  
22 proof is submitted or until Respondent enter in into an  
23 agreement satisfactory to the Commissioner to provide such  
24 proof, or until a decision providing otherwise is adopted  
25 following a hearing held pursuant to this condition.

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5. Respondent's restricted real estate salesperson

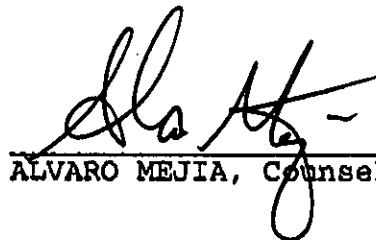
1 license is issued subject to the requirements of Section 10153.4  
2 of the Business and Professions Code, to wit: Respondent is  
3 required, within eighteen (18) months of the issuance of the  
4 restricted license, to submit evidence satisfactory to the  
5 Commissioner of successful completion, at an accredited  
6 institution, of a course in real estate practices and one of the  
7 courses listed in Section 10153.2, other than real estate  
8 principles, advanced legal aspects of real estate, advanced real  
9 estate finance, or advanced real estate appraisal. If  
10 Respondent fails to timely present the Department satisfactory  
11 evidence of successful completion of the two required courses,  
12 the restricted license shall be automatically suspended  
13 effective eighteen (18) months after the date of its issuance.  
14 Said suspension shall not be lifted unless, prior to the  
15 expiration of the restricted license, Respondent has submitted  
16 the required evidence of course completion and the Commissioner  
17 has given written notice to Respondent of the lifting of the  
18 suspension.  
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21 6. Pursuant to Section 10154, if Respondent has not  
22 satisfied the requirements for an unqualified license under  
23 Section 10153.4, Respondent shall not be entitled to renew the  
24 restricted license, and shall not be entitled to the issuance of  
25 another license which is subject to Section 10153.4 until four  
26 years after the date of the issuance of the preceding restricted  
27 license.

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10/6/06

Dated



ALVARO MEJIA, Counsel, Dept. of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are 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 Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intolligently, and voluntarily waive those rights, including the right of a hearing on the 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.

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

8-26-06

Dated



DYLAN JERROLD ROWLEY, Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly

DATED: 8-25-06

MARY E. WORK, Attorney for Respondent

10-3-06

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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver is 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, 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 10-29

JEFF DAVIS Real Estate Commissioner

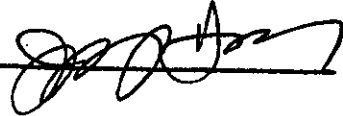


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STATE OF CALIFORNIA

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In the Matter of the Application of	)	NO. H-32689 LA
	)	
DYLAN JERROLD ROWLEY,	)	
	)	<u>STATEMENT OF ISSUES</u>
	)	
Respondent.	)	
	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against DYLAN JERROLD ROWLEY, aka Dylan Jerold Rowley, Dyland Jerald Rowley, Dylan Jerrod Rowley, Jerrold Michael Sall, ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in her official capacity.

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2.

1 Respondent made application to the Department of Real  
2 Estate of the State of California for a real estate salesperson  
3 license on or about March 22, 2004, with the knowledge and  
4 understanding that any license issued as a result of said  
5 application would be subject to the conditions of Business and  
6 Professions Code ("Code") Section 10153.4.  
7

8 3.

9 (CRIMINAL CONVICTIONS)

10 On or about July 16, 1993, in the County of Orange,  
11 State of California, in case no. WEW259752PO, Respondent was  
12 convicted of violating California Penal Code Section 460(b)  
13 (Burglary: Second Degree), a misdemeanor, and violating  
14 California Vehicle Code Section 10852 (Tamper with Vehicle), a  
15 misdemeanor. The underlying facts of these crimes involve moral  
16 turpitude and are substantially related under Title 10, Chapter  
17 6, Section 2910, California Code of Regulations, to the  
18 qualifications, functions or duties of a real estate licensee.  
19

20 4.

21 On or about August 17, 1993, in the County of Orange,  
22 State of California, in case no. NM9307476, Respondent was  
23 convicted of violating California Penal Code Section 496.1  
24 (Receive/Etc Known Stolen Property), a misdemeanor, and  
25 violating California Penal Code Section 459 (Burglary), a  
26 misdemeanor, and violating California Vehicle Code Section  
27 10851(a) (Take Vehicle without Owner's Consent/Vehicle Theft), a

1 misdemeanor, and violating California Vehicle Code Section 10852  
2 (Tamper with Vehicle), a misdemeanor. The underlying facts of  
3 these crimes involve moral turpitude and are substantially  
4 related under Title 10, Chapter 6, Section 2910, California Code  
5 of Regulations, to the qualifications, functions or duties of a  
6 real estate licensee.

7 5.

8 On or about February 28, 1994, in the County of  
9 Orange, State of California, in case no. NM9401350(b),  
10 Respondent was convicted of violating California Penal Code  
11 Section 484-488 (Petty Theft with Prior), a misdemeanor. The  
12 underlying facts of this crime involve moral turpitude and are  
13 substantially related under Title 10, Chapter 6, Section 2910,  
14 California Code of Regulations, to the qualifications, functions  
15 or duties of a real estate licensee.

16 6.

17  
18 On or about July 28, 1994, in the County of Orange,  
19 State of California, in case no. NM9406567, Respondent was  
20 convicted of violating California Penal Code Section 166(a)(4)  
21 (Contempt: Disobey Court Order), a misdemeanor. The underlying  
22 facts of this crime involve moral turpitude and are  
23 substantially related under Title 10, Chapter 6, Section 2910,  
24 California Code of Regulations, to the qualifications, functions  
25 or duties of a real estate licensee.

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2 On or about November 4, 1994, in the County of Orange,  
3 State of California, in case no. NM9408949, Respondent was  
4 convicted of violating California Penal Code Section 653K  
5 (Possess/Sell Switch-Blade Knife), a misdemeanor, and violating  
6 California Vehicle Code Section 12500(a) (Drive without Valid  
7 License), a misdemeanor. The underlying facts of these crimes  
8 involve moral turpitude and are substantially related under  
9 Title 10, Chapter 6, Section 2910, California Code of  
10 Regulations, to the qualifications, functions or duties of a  
11 real estate licensee.

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13 8.

14 On or about November 2, 1994, in the Municipal Court  
15 of California, County of Orange, West Orange County Judicial  
16 District, in case no. WEW94M13613, Respondent was convicted of  
17 violating California Penal Code Section 496(a) (Receive/Etc.  
18 Known Stolen Property), a misdemeanor. The underlying facts of  
19 this crime involve moral turpitude and are substantially related  
20 under Title 10, Chapter 6, Section 2910, California Code of  
21 Regulations, to the qualifications, functions or duties of a  
22 real estate licensee.

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9.

1 On or about December 12, 1995, in the County of  
2 Orange, State of California, in case no. NM9410821, Respondent  
3 was convicted of violating California Penal Code Section 148.9  
4 (False Identification to Peace Officer), a misdemeanor. The  
5 underlying facts of this crime involve moral turpitude and are  
6 substantially related under Title 10, Chapter 6, Section 2910,  
7 California Code of Regulations, to the qualifications, functions  
8 or duties of a real estate licensee.  
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10 10.

11 On or about April 24, 1995, in the Municipal Court,  
12 North Orange County Judicial District, County of Orange, State  
13 of California, in case no. 95NM03545, Respondent was convicted  
14 of violating California Penal Code Section 12020(a)  
15 (Possess/Manufacture/Sell Dangerous Weapon/Etc.), a misdemeanor,  
16 and violating California Penal Code Section 537(e) (Buy/Sell  
17 Articles with Identification Removed), a misdemeanor. The  
18 underlying facts of these crimes involve moral turpitude and are  
19 substantially related under Title 10, Chapter 6, Section 2910,  
20 California Code of Regulations, to the qualifications, functions  
21 or duties of a real estate licensee.  
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11.

1 On or about January 5, 2000, in the Superior Court of  
2 California, North Justice Center, County of Orange, in case no.  
3 99NF3436, Respondent was convicted of violating California  
4 Health and Safety Code Section 11377(a) (Possession of a  
5 Controlled Substance: Methamphetamine), a felony, and violating  
6 California Vehicle Code Section 14601.1(a) (Driving on a  
7 Suspended/Revoked License), a misdemeanor. The underlying facts  
8 of these crimes are substantially related under Title 10,  
9 Chapter 6, Section 2910, California Code of Regulations, to the  
10 qualifications, functions or duties of a real estate licensee.  
11

12 12.

13 On or about October 19, 2000, in the Superior Court of  
14 the State of California, County of Orange, in case no.  
15 00SM02009, Respondent was convicted of violating California  
16 Health and Safety Code Section 11550 (Use/Under Influence of  
17 Controlled Substance), a misdemeanor. The underlying facts of  
18 this crime are substantially related under Title 10, Chapter 6,  
19 Section 2910, California Code of Regulations, to the  
20 qualifications, functions or duties of a real estate licensee.  
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22 13.

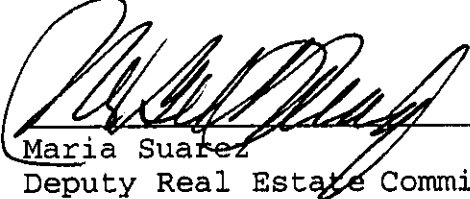
23 The crimes of which Respondent was convicted, as  
24 alleged herein above in Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11,  
25 and 12, constitute cause for denial of Respondent's application  
26 for a real estate license under Business and Professions Code  
27 Sections 475(a)(2); 480(a)(1); and/or 10177(b).

1 The Statement of Issues is brought under the  
2 provisions of Section 10100, Division 4 of the Business and  
3 Professions Code of the State of California and Sections 11500  
4 and 11529 of the Government Code.

5 WHEREFORE, Complainant prays that the above entitled  
6 matter be set for hearing and, upon proof of the charges  
7 contained herein, that the Commissioner refuse to authorize the  
8 issuance of, and deny the issuance of, a real estate salesperson  
9 license to Respondent, DYLAN JERROLD ROWLEY, and for such other  
10 and further relief as may be proper under other provisions of  
11 law.

12 Dated at Los Angeles, California

13 this 12<sup>th</sup> day of April, 2006.

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17 Maria Suarez  
18 Deputy Real Estate Commissioner  
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25 Cc: DYLAN JERROLD ROWLEY  
26 Eric Jon Petersen  
27 Maria Suarez  
Sacto.  
LF