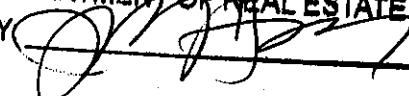


12/19/11

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105
3 Telephone: (213) 576-6982

FILED

DEC 19 2011

DEPARTMENT OF REAL ESTATE
BY 

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*
11 DEBRA LYNN KLEIN,

)
) No. H-37271 LA
) L-2011061031
) **STIPULATION AND**
) **WAIVER**
)
) Respondent
)
)

15 It is hereby stipulated by and between DEBRA LYNN KLEIN (hereinafter "Respondent") and
16 Respondent's attorney, FRANK M. BUDA , and the Complainant, acting by and through Julie To , Counsel
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
18 Issues filed on May 12, 2011 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 in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands 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 to
3 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 her discretion issue a restricted real estate
6 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

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

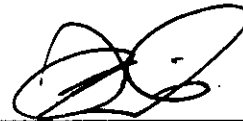
14 Respondent further understands that the following conditions, limitations, and restrictions will attach to
15 a restricted license issued by the Department of Real Estate pursuant hereto:

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

- 1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as follows:
4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts for
8 which a license is required.
- 9
- 10 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
11 certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000,
12 Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime
13 for which Respondent was arrested and the name and address of the arresting law enforcement
14 agency. Respondent's failure to timely file written notice shall constitute an independent
15 violation of the terms of the restricted license and shall be grounds for the suspension or
16 revocation of that license.

17 12-15-11

Dated



Julie To, Counsel, Department of Real Estate

20 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood
21 by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
22 California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
23 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
24 the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses
25 against me and to present evidence in defense and mitigation of the charges.

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

7 November 28, 2011
8 Dated

Debra Lynn Klein
9 DEBRA LYNN KLEIN, Respondent

10 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
11 *accordingly.*

12 11-29-11
13 Dated

Frank M. Buda
14 FRANK M. BUDA, Attorney for Respondent

15 * * *

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

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

24 This Order is effective immediately.

25 IT IS SO ORDERED 12/13/11

26 BARBARA J. BIGBY
27 Acting Real Estate Commissioner

Barbara J. Bigby

1 JULIE L. TO, Counsel (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED

MAY 12 2011

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-37271 LA
12)
13 DEBRA LYNN KLEIN,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against DEBRA LYNN KLEIN ("Respondent"), is informed and alleges
19 as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in her official capacity.

24 2.

25 On or about April 12, 2010, Respondent made
26 application to the Department of Real Estate of the State of
27 California for a real estate salesperson license.

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTIONS)

3 3.

4 On or about March 4, 1992, in the Superior Court of
5 the State of California, County of Los Angeles, in Case No.
6 92P01906, Respondent was convicted of violating Penal Code
7 Section 664-484(A) (theft), a misdemeanor. Respondent was
8 sentenced to 12 months probation and ordered to pay \$120 in
9 fines (or serve 2 two days in county jail).

10 4.

11 The crime of which Respondent was convicted, as
12 described in Paragraph 3, constitutes cause for denial of
13 Respondent's application for a real estate license under
14 Business and Professions Code Section 10177(b).

15 SECOND CAUSE FOR DENIAL

16 (FAILURE TO DISCLOSE)

17 5.

18 In response to Question 23 of her license application,
19 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
20 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4
21 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT TRAFFIC CITATIONS
22 WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY" Respondent
23 answered "No," and failed to reveal the conviction described in
24 Paragraph 3 above.

25 6.

26 Respondent's failure to reveal the conviction set
27 forth herein, above, in her license application, constitutes the

1 attempt to procure a real estate license by fraud,
2 misrepresentation, or deceit, or by making a material
3 misstatement of fact, or knowingly making a false statement of
4 material fact required to be revealed in said application, which
5 is grounds for denial of the issuance of a license under
6 Business and Professions Code Section 10177(a).

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, DEBRA LYNN KLEIN, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 11 day of May, 2011.



Robin Trujillo
Deputy Real Estate Commissioner

cc: DEBRA LYNN KLEIN
Robin Trujillo
Sacto