

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

4 Telephone: (213) 576-6982

**FILED**

JUL 08 2015

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 Gene Norton Smith, Jr., )

13 Respondent. )

No. H- 39902 LA

**STIPULATION AND**

**WAIVER**

(B&P 10100.4)

15  
16 I, Gene Norton Smith, Jr., ("Respondent") do hereby affirm that I have applied to the  
17 Bureau of Real Estate for a real estate salesperson license, and that to the best of my knowledge I  
18 have satisfied all of the statutory requirements for the issuance of the license, including, but not  
19 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 10177(f) for the discipline imposed by the California Bureau of  
25 Real Estate Appraisers ("BREA") on my BREA license (no. 032514). Specifically, on or about  
26 September 2, 2014, in case nos. C20130311-04 and C20140130-01, a Decision and Order was  
27 filed revoking Respondent's BREA license, revocation stayed, and placing Respondent on

1 probation for two years from the effective date of October 3, 2014. Respondent's probation is set  
2 to end on October 3, 2016. As more fully set forth in the Decision and Order, Respondent's  
3 discipline was based upon Respondent making multiple errors and omissions in the appraisal  
4 reports of four (4) separate properties in 2012. Respondent's errors and omissions include, but  
5 are not limited to, falsely stating he inspected the interior of a subject property, failing to disclose  
6 the extent of significant real property appraisal assistance was provided by an unlicensed trainee  
7 appraiser, creating a misleading report by failing to collect, verify, and analyze pertinent  
8 information, such as credible sales comparisons, and falsely stating the zoning classification.

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10 I hereby request that the Real Estate Commissioner in his discretion issue a restricted real  
11 estate salesperson license to me under the authority of California Business and Professions Code  
12 Sections 10100.4 and 10156.5. I understand that any such restricted license will be issued  
13 subject to the provisions of and limitations of California Business and Professions Code Sections  
14 10156.6 and 10156.7.

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

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

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

26 a. The conviction of respondent (including a plea of nolo contendere) to a crime  
27 that bears a substantial relationship to Respondent's fitness or capacity as a real

1 estate licensee; or

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

5 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license  
6 nor the removal of any of the conditions, limitations, or restrictions attaching to the  
7 restricted license until three (3) years have elapsed from the date of issuance of the  
8 restricted license to Respondent.

9 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest  
10 by sending a certified letter to the Real Estate Commissioner at the Bureau of Real  
11 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set  
12 forth the date of Respondent's arrest, the crime for which Respondent was arrested,  
13 and the name and address of the arresting law enforcement agency. Respondent's  
14 failure to timely file written notice shall constitute an independent violation of the  
15 terms of the restricted license and shall be grounds for the suspension or revocation  
16 of that license.


17 4. With the application for license or with the application for transfer to a new  
18 employing broker, I shall submit a statement signed by the prospective employing  
19 broker on a form approved by the Bureau of Real Estate wherein the employing  
20 broker shall certify as follows:

21 a. That broker has read the Stipulation and Waiver which is the basis for the  
22 issuance of the restricted license; and

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

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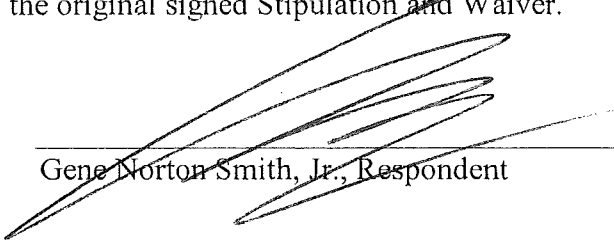
06/15/2015  
Dated

  
Counsel  
Bureau of Real Estate

5. I have read the Stipulation and Waiver, 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, California 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 Bureau of Real Estate at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau 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 Bureau of Real Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the original signed Stipulation and Waiver.

June 11, 2015  
Dated

  
Gene Norton Smith, Jr., 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

1 restricted real estate salesperson license to Respondent.

2 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be  
3 issued to Respondent Gene Norton Smith, Jr. if Respondent has otherwise fulfilled all of the  
4 statutory requirements for licensure. The restricted salesperson license shall be limited,  
5 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

6 This Order is effective immediately.

7 IT IS SO ORDERED *June 30, 2015*.

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9 REAL ESTATE COMMISSIONER

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12 By: JEFFREY MASON  
13 Chief Deputy Commissioner

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