

FILED

JAN -7 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

PETER GERARD STELLA,

Respondent.

No. H- 1488 SA

STIPULATION AND WAIVER

I, PETER GERARD STELLA, 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 November 24, 1992, 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 he may in his 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

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

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

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

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

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

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 25th day of NOVEMBER, 19 92

18 
19 Respondent

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent PETER GERARD STELLA if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 4th day of January, 19 93.

11
12 CLARK WALLACE
Real Estate Commissioner

13 John R. Liberator
14 By: John R. Liberator
15 Chief Deputy Commissioner
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SA 101
Plus

DARLENE AVERETTA
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED

NOV 24 1992

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of) No. H-1488 SA
PETER GERARD STELLA,) STATEMENT OF ISSUES
Respondent.)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against PETER GERARD STELLA (hereinafter "Respondent") alleges as follows:

FIRST CAUSE FOR DENIAL

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

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a

1 real estate salesperson license on or about May 27, 1992, with the
2 knowledge and understanding that any license issued as a result of
3 said application would be subject to the conditions of Section
4 10153.4 of the California-Business and Professions Code.

5 III

6 Respondent was a duly licensed used automotive dealer in
7 the State of California, licensed by the California Department of
8 Motor Vehicles (DMV). Effective on or about March 18, 1991, a DMV
9 decision in Case No. D-4135, adopted the proposed decision of an
10 administrative law judge in Case No. OAH L-51013. The decision
11 revoked Respondent's dealer's license pursuant to express findings
12 that Respondent failed to pay fees to DMV, failed to submit
13 written notice of sale to DMV, failed to submit dates of sale and
14 properly completed applications to DMV, and failed to transfer
15 ownership certificates to respective owners, for vehicle
16 registration and transfer within the required time period, and
17 that said conduct constituted violations of specified provisions
18 of the Vehicle Code of the State of California. The actions of
19 Respondent involve moral turpitude and bears a substantial
20 relationship under Section 2910, Title 10, California Code of
21 Regulations, to the qualifications, functions or duties of a real
22 estate licensee.

23 IV

24 Respondent's license as a used automotive dealer in the
25 State of California was revoked as described above for acts which
26 if done by a real estate licensee would be grounds for suspension
27 or revocation of a California real estate license pursuant to the

1 provisions of Sections 10177(g) and 10177(j) of the Code.

2 V

3 The revocation of Respondent's license as a used
4 automotive dealer in the State of California is grounds for the
5 denial of Respondent's application for a real estate salesperson
6 license under the provisions of Sections 480(a)(2)(3) and
7 10177(f) of the Code.

8 SECOND CAUSE FOR DENIAL

9 VI

10 Complainant incorporates herein the allegations of
11 Paragraphs I through V, inclusive, hereinabove.

12 VII

13 On or about July 5, 1990, in the San Bernardino County
14 Municipal Court District, County of San Bernardino, State of
15 California, Respondent was convicted on his plea of nolo
16 contendere to two counts of violating Section 5753 of the
17 California Vehicle Code (Failure to Deliver Certification of
18 Ownership), a misdemeanor, and a crime involving moral turpitude
19 which bears a substantial relationship under Section 2910, Title
20 10, California Code of Regulations, to the qualifications,
21 functions or duties of a real estate licensee.

22 VIII

23 On or about August 1, 1991, in the San Bernardino County
24 Municipal Court District, County of San Bernardino, State of
25 California, Respondent was convicted on his plea of nolo
26 contendere to two counts of violating Section 5753 of the
27 California Vehicle Code (Failure to Deliver Certification of

1 Ownership), a misdemeanor, and a crime involving moral turpitude
2 which bears a substantial relationship under Section 2910, Title
3 10, California Code of Regulations, to the qualifications,
4 functions or duties of a real estate licensee.

5 IX

6 The crimes of which Respondent was convicted, as alleged
7 in Paragraphs VII and VIII, above, constitute cause for denial of
8 Respondent's application for a real estate license under Sections
9 480(a)(1) and 10177(b) of the California Business and Professions
10 Code.

11 These proceedings are brought under the provisions of
12 Section 10100, Division 4 of the Business and Professions Code of
13 the State of California and Sections 11500 through 11528 of the
14 Government Code.

15 WHEREFORE, the Complainant prays that the above-entitled
16 matter be set for hearing and, upon proof of the charges contained
17 herein, that the Commissioner refuse to authorize the issuance of,
18 and deny the issuance of, a real estate salesperson license to
19 Respondent PETER GERARD STELLA and for such other and further
20 relief as may be proper in the premises.

21 Dated at Santa Ana, California
22 this 24th day of November, 1992.

23 THOMAS McCRADY

24 THOMAS MC CRADY
Deputy Real Estate Commissioner

25 cc: Peter Gerard Stella
26 Concord Bus. Invt's. Inc.
Sacto.
27 SR