

1 DEPARTMENT OF REAL ESTATE
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FILED
FEB 08 2008

DEPARTMENT OF REAL ESTATE
By L. Lusk

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-2078 FR
13) STIPULATION AND AGREEMENT
14 ROBERT WAYNE WATT,)
15 Respondent.)

16 It is hereby stipulated by and between Respondent
17 ROBERT WAYNE WATT, acting by and through his attorney Thomas C.
18 Lasken, and the Complainant, acting by and through Michael B.
19 Rich, Counsel for the Department of Real Estate, as follows for
20 the purpose of settling and disposing of the Accusation filed on
21 March 29, 2007, in this matter ("the Accusation"):

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
27 submitted solely on the basis of the provisions of this

DRE No. H-2078 Fr

ROBERT WAYNE WATT

1 Stipulation and Agreement.

2 2. Respondent has received, read and understands the
3 Statement to Respondent, the Discovery Provisions of the APA and
4 the Accusation filed by the Department of Real Estate in this
5 proceeding.

6 3. On April 12, 2007, Respondent filed a Notice of
7 Defense pursuant to Section 11505 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that Respondent
11 understands that by withdrawing said Notice of Defense
12 Respondent will thereby waive Respondent's right to require the
13 Commissioner to prove the allegations in the Accusation at a
14 contested hearing held in accordance with the provisions of the
15 APA and that Respondent will waive other rights afforded to
16 Respondent in connection with the hearing such as the right to
17 present evidence in defense of the allegations in the Accusation
18 and the right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set
20 forth below, hereby admits that the factual allegations in the
21 Accusation pertaining to Respondent are true and correct and
22 stipulates and agrees that the Real Estate Commissioner shall
23 not be required to provide further evidence of such
24 allegations.

25 5. It is understood by the parties that the
26 Real Estate Commissioner may adopt the Stipulation and Agreement
27 as his decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the "Order" below. In the event that the
3 Commissioner in his discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

8 6. This Stipulation and Agreement shall not
9 constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Department of Real
11 Estate with respect to any matters which were not specifically
12 alleged to be causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions
15 and waivers and solely for the purpose of settlement of the
16 pending Accusation without hearing, it is stipulated and agreed
17 that the following Determination of Issues shall be made:

18 I

19 The acts and omissions of Respondent ROBERT WAYNE WATT
20 described in the Accusation are grounds for the suspension or
21 revocation of the licenses and license rights of Respondent
22 under the provisions of Sections 490 and 10177(b) of the
23 California Business and Professions Code.

24 ORDER

25 I

26 All licenses and licensing rights of Respondent ROBERT
27 WAYNE WATT under the Real Estate Law are revoked; provided,

1 however, a restricted real estate salesperson license shall be
2 issued to said Respondent pursuant to Section 10156.5 of the
3 Business and Professions Code if, within 90 days from the
4 effective date of the Decision entered pursuant to this Order,
5 Respondent makes application for the restricted license and pays
6 to the Department of Real Estate the appropriate fee therefor.

7 The restricted license issued to Respondent shall be
8 subject to all of the provisions of Section 10156.7 of the
9 Business and Professions Code and to the following limitations,
10 conditions and restrictions imposed under authority of Section
11 10156.6 of that Code:

12 1. The restricted license issued to Respondent may
13 be suspended prior to hearing by Order of the
14 Real Estate Commissioner in the event of
15 Respondent's conviction or plea of nolo
16 contendere to a crime which is substantially
17 related to Respondent's fitness or capacity as a
18 real estate licensee.

19 2. The restricted license issued to Respondent may
20 be suspended prior to hearing by Order of the
21 Real Estate Commissioner on evidence satisfactory
22 to the Commissioner that Respondent has violated
23 provisions of the California Real Estate Law, the
24 Subdivided Lands Law, Regulations of the Real
25 Estate Commissioner or conditions attaching to
26 the restricted license.

27 3. Respondent shall not be eligible to apply for the

1 issuance of an unrestricted real estate license
2 nor for the removal of any of the conditions,
3 limitations or restrictions of a restricted
4 license until two (2) years have elapsed from the
5 effective date of this Decision.

6 4. Respondent shall submit with any application for
7 license under an employing broker, or any
8 application for transfer to a new employing
9 broker, a statement signed by the prospective
10 employing real estate broker on a form approved
11 by the Department of Real Estate which shall
12 certify:

13 (a) That the employing broker has read the
14 Decision of the Commissioner which granted
15 the right to a restricted license; and,

16 (b) That the employing broker will exercise close
17 supervision over the performance by the
18 restricted licensee relating to activities
19 for which a real estate license is required.

20 5. Respondent shall, within nine months from the
21 effective date of the Decision, present evidence
22 satisfactory to the Real Estate Commissioner that
23 Respondent has, since the most recent issuance of
24 an original or renewal real estate license, taken
25 and successfully completed the continuing
26 education requirements of Article 2.5 of Chapter
27 3 of the Real Estate Law for renewal of a real

1 estate license. If Respondent fails to satisfy
2 this condition, the Commissioner may order the
3 suspension of the restricted license until the
4 Respondent presents such evidence. The
5 Commissioner shall afford Respondent the
6 opportunity for a hearing pursuant to the
7 Administrative Procedure Act to present such
8 evidence.

9
10 January 3, 2008
11 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

12 * * *

13 I have read the Stipulation and Agreement and its
14 terms are understood by me and are agreeable and acceptable to
15 me. I understand that I am waiving rights given to me by the
16 California Administrative Procedure Act (including but not
17 limited to Sections 11506, 11508, 11509, and 11513 of the
18 Government Code), and I willingly, intelligently, and
19 voluntarily waive those rights, including the right of requiring
20 the Commissioner to prove the allegations in the Accusation at a
21 hearing at which I would have the right to cross-examine
22 witnesses against me and to present evidence in defense and
23 mitigation of the charges.

24
25 12/20/2007
26 DATED

Robert Wayne Watt
ROBERT WAYNE WATT
Respondent

1 Approved as to form and content by counsel for
2 Respondent.

3
4 December 14, 2007 Tom C. L.
5 DATED THOMAS C. LASKEN
6 Attorney for Respondent

7 * * *

8 The foregoing Stipulation and Agreement is hereby
9 adopted by as my Decision in this matter as to Respondent ROBERT
10 WAYNE WATT and shall become effective at 12 o'clock noon on
11 FEB 28 2008

12 IT IS SO ORDERED 2-4-08

13 JEFF DAVI
14 Real Estate Commissioner

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16 Jeff Davi
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FILED

MAR 29 2007

DEPARTMENT OF REAL ESTATE

By S. Ely

MICHAEL B. RICH, Counsel
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Department of Real Estate
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
ROBERT WAYNE WATT,)	H-2078 FR
Respondent.)	<u>ACCUSATION</u>

The Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ROBERT WAYNE WATT, (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code") as a real estate salesperson.

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III

On or about February 18, 2005, in the Superior Court, County of Kern, State of California, in case number BM668535A, Respondent was convicted of a violation of Section 10980(c)(2) of the California Welfare and Institutions Code (By means of false statements or false representations obtained aid), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The facts alleged above, individually and/or collectively, constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.


JOHN W. SWEENEY
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 20th day of February 2007.