

ORIGINAL

FILED

AUG 14 2007

DEPARTMENT OF REAL ESTATE

By A. Ely

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
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7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

) No. H- 2111 FR

11 JASON CHARLES FRETAG

)
)
)
) STIPULATION AND
) WAIVER

12
13 Respondent

14
15 I, JASON CHARLES FRETAG, respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on May 10, 2007, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
27 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
2 issuance 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 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions 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
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted 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
14 restricted 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
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to 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
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until 4 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, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 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
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 6.18.2007

4 Dated

5 Jason Charles Fretag
6 JASON CHARLES FRETAG, Respondent

7 * * *

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

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
13 respondent JASON CHARLES FRETAG if respondent has otherwise fulfilled all of the statutory
14 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
15 the foregoing Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED

18 J. S. O.

19 Jeff Davi
20 Real Estate Commissioner

1 MICHAEL B. RICH, Counsel
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6
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FILED
MAY 10 2007
DEPARTMENT OF REAL ESTATE
By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JASON CHARLES FRETAG,) H-2111 FR
13 Respondent.) STATEMENT OF ISSUES
14)

15
16 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JASON CHARLES FRETAG (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 FIRST CAUSE OF ACTION

21 I

22 Respondent made application to the Department of Real
23 Estate of the State of California for a real estate salesperson
24 license on or about August 17, 2006, with the knowledge and
25 understanding that any license issued as a result of said
26 application would be subject to the conditions of Section
27 10153.4 of the Business and Professions Code.

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II

Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about August 23, 1993, in the First Judicial Court, County of Bonner, State of Idaho, in case number CR-1993-0001005, Respondent was convicted of violating Section 23-604 of the Idaho Statutes (Unlawful possession, purchase, or consumption of alcohol, or attempt, by person under 21) and Section 18-6409 of the Idaho Statutes (Disturbing the peace), crimes involving moral turpitude which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

On or about August 18, 1995, in the First Judicial Court, County of Bonner, State of Idaho, in case number CR-1994-0001926, Respondent was convicted of violating Section 49-301 of the Idaho Statutes (Unlawful driving without a driver's license), 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.

V

On or about August 18, 1995, in the First Judicial Court, County of Bonner, State of Idaho, in case number CR-1995-

1 0000198, Respondent was convicted of violating Section 49-301 of
2 the Idaho Statutes (Unlawful driving without a driver's
3 license), a crime involving moral turpitude which bears a
4 substantial relationship under Section 2910, Title 10,
5 California Code of Regulations, to the qualifications,
6 functions, or duties of a real estate licensee.

7 VI

8 On or about November 22, 1995, in the First Judicial
9 Court, County of Bonner, State of Idaho, in case number CR-1995-
10 0001556, Respondent was convicted of violating Section 18-705 of
11 the Idaho Statutes (Willfully resists, obstructs, delays public
12 officer), a crime involving moral turpitude which bears a
13 substantial relationship under Section 2910, Title 10,
14 California Code of Regulations, to the qualifications,
15 functions, or duties of a real estate licensee.

16 VII

17 On or about May 31, 1996, in the First Judicial Court,
18 County of Bonner, State of Idaho, in case number CR-1996-000086,
19 Respondent was convicted of violating Section 18-8004 of the
20 Idaho Statutes (Driving under the influence of alcohol or
21 drugs), a crime involving moral turpitude which bears a
22 substantial relationship under Section 2910, Title 10,
23 California Code of Regulations, to the qualifications,
24 functions, or duties of a real estate licensee.

25 VIII

26 On or about August 4, 1999, in the Superior Court,
27 County of Riverside, State of California, in case number 99-

1 00663, Respondent was convicted of violating Section 23152(b) of
2 the California Vehicle Code (Driving under the influence while
3 having a blood alcohol level of .08% or more), a crime involving
4 moral turpitude which bears a substantial relationship under
5 Section 2910, Title 10, California Code of Regulations, to the
6 qualifications, functions, or duties of a real estate licensee.

7 IX

8 On or about March 14, 2000, in the First Judicial
9 Court, County of Bonner, State of Idaho, in case number CR-1999-
10 0001627, Respondent was convicted of violating Section 37-2734A
11 of the Idaho Statutes (Use or possess, or with intent to use or
12 possess, drug paraphernalia), a crime involving moral turpitude
13 which bears a substantial relationship under Section 2910, Title
14 10, California Code of Regulations, to the qualifications,
15 functions, or duties of a real estate licensee.

16 X

17 On or about June 17, 2002, in the First Judicial
18 Court, County of Kootenai, State of Idaho, in case number CR-
19 2002-0009744, Respondent was convicted of violating Section 18-
20 8004 of the Idaho Statutes (Driving under the influences of
21 alcohol or drugs), a crime involving moral turpitude which bears
22 a substantial relationship under Section 2910, Title 10,
23 California Code of Regulations, to the qualifications,
24 functions, or duties of a real estate licensee.

25 XI

26 The crimes of which Respondent was convicted, as
27 alleged in Paragraphs III, IV, V, VI, VII, VIII, IX, and X,

1 above, individually and/or collectively, constitute cause for
2 denial of Respondent's application for a real estate license
3 under Sections 480(a) and 10177(b) of the California Business
4 and Professions Code.

5 SECOND CAUSE OF ACTION

6 XII

7 Complainant hereby incorporates into this Second,
8 separate and distinct, Cause of Action, all of the allegations
9 contained in Paragraphs I through XI, inclusive, of the First
10 Cause of Action with the same force and effect as if herein
11 fully set forth.

12 XIII

13 Respondent made application to the Department of Real
14 Estate of the State of California for a real estate salesperson
15 license on or about August 29, 2003, with the knowledge and
16 understanding that any license issued as a result of said
17 application would be subject to the conditions of Section
18 10153.4 of the Business and Professions Code.

19 XIV

20 In responses to Questions 25 and 27 of the license
21 application, requiring Respondent to reveal the court
22 conviction, arresting agency, date of conviction, type of
23 conviction, code name and section number violated, disposition
24 and case number, for each conviction of any violation of law
25 (other than for minor traffic citations not constituting a
26 misdemeanor or felony offense), Respondent concealed and failed

27 ///

1 to reveal the convictions described in Paragraphs III, IV, V,
2 VI, VII, IX, and X, above.

3 XV

4 Respondent's failure to reveal in the Application of
5 August 29, 2003, the convictions described in Paragraphs III,
6 IV, V, VI, VII, IX, and X, as set forth above, constituted an
7 attempt to procure a real estate license by fraud,
8 misrepresentation, or deceit, or by making a material
9 misstatement of fact in the application, which failure is cause
10 for denial of Respondent's present license application under
11 Sections 480(c) and 10177(a) of the California Business and
12 Professions Code.

13 PRIOR PROCEEDING

14 XVI

15 Effective September 20, 2004, in Case No. H-1671 FR,
16 the application of Respondent filed on August 29, 2003, for a
17 real estate salesperson license was denied, pursuant to Section
18 11520 of the California Government Code, for violation of
19 Sections 480(a), 480(c), 10177(a), and 10177(b) of the
20 California Business and Professions Code.

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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, and for such other and
6 further relief as may be proper under other provisions of law.
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9 
10 JOHN W. SWEENEY
11 Deputy Real Estate Commissioner

12 Dated at Fresno, California,
13 this 18th day of April, 2007.
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