Department of Real Estate P.O. Box 187007 Sacramento, CA 95818-7007

Telephone: (916) 227-0789

NOV 0 4 2008

DEPARTMENT OF REAL ESTATE

RE 511E

(Rev. 10/04)

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

KARL EMERY PETERSON, III

STIPULATION AND
WAIVER

Respondent.

It is hereby stipulated by and between KARL EMERY PETERSON, III (hereinafter "Respondent") and Respondent's attorney, GREGORY C. JACOBSON, and the Complainant, acting by and through MICHAEL B. RICH, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on April 28, 2008 in this matter;

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

RE 511E (Rev. 10/04) entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions Code. Respondent understands that any such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions Code.

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

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

- 1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - b. The receipt of evidence that Respondent has violated provisions of the California Real.

 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.
- 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted

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RE 511E (Rev. 10/04) license until three years have elapsed from the date of issuance of the restricted license to Respondent.

- 3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:
 - a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
 - b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
 - Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion. at an accredited institution, a course in real estate practices and one of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of the lifting of the suspension.
- 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

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* * *
I have read the Stipulation and Waiver, have discussed it with my counsel, 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 Sections 11506, 11508, 11509
and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
including the right of a hearing on the 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.
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receip
of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
the original signed Stipulation and Waiver.
10/0/08
Dated ARL EMERY PETERSON, III, Respondent
I have reviewed the Stipulation and Waiver as to form and content and have advised my client
accordingly.
10/10/08
Dated GREGORY C. JACOBSON, Attorney for Respondent

MICHAEL B. RICH, Counsel, Department of Real Estate

I have read the Statement of Issues filed herein and 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 restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to

Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The

restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and

Waiver.

This Order is effective immediately.

IT IS SO ORDERED

10/31/08

Jeff Davi

Real Estate Commissioner

BY: Barbara J. Bigby Chief Deputy Commissioner

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1 MICHAEL B. RICH, Counsel State Bar No. 84257 2 Department of Real Estate P.O. Box 187007 3 Sacramento, CA 95818-7007 4 Telephone: (916) 227-0789 5 6 7 8 9 10 11 12

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DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

KARL EMERY PETERSON III,

Respondent.

The Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against KARL EMERY PETERSON III (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about September 7, 2007, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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.

II

III

On or about January 16, 1978, in the Municipal Court, County of San Luis Obispo, State of California, in case number M-17006, Respondent was convicted of violating Section 23103 of the California Vehicle Code (Drive vehicle upon highway in willful and wanton disregard for safety), a misdemeanor and 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

On or about April 6, 1995, in the Municipal Court, County of San Luis Obispo, State of California, in case number M-225607, Respondent was convicted of violating Section 23152(a) of the California Vehicle Code (Unlawfully driving a vehicle while under the influence of alcohol or drugs), a misdemeanor and 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 October 7, 1997, in the Superior Court, County of San Luis Obispo, State of California, in case number

M-261096, Respondent was convicted of violating Section 12500(a) of the California Vehicle Code (Unlawful operation of a vehicle without a driver's license), a misdemeanor and 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.

VI

On or about August 7, 2000, in the Superior Court, County of San Luis Obispo, State of California, in case number M-297593, Respondent was convicted of violating Section 12500(a) of the California Vehicle Code (Unlawful operation of a vehicle without a driver's license), a misdemeanor and 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.

VII

On or about August 28, 2000, in the Superior Court, County of San Luis Obispo, State of California, in case number M-294576, Respondent was convicted of violating Section 11377(a) of the California Health & Safety Code (Unlawful possession of a controlled substance, to wit: methamphetamine), a misdemeanor and 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.

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VIII

On or about April 8, 2002, in the Superior Court, County of San Luis Obispo, State of California, in case number M-318858, Respondent was convicted of violating Section 11550(a) of the California Health & Safety Code (Unlawfully under the influence of a controlled substance), a misdemeanor and 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.

ΙX

On or about February 22, 2006, in the Superior Court, County of Fresno, State of California, in case number M-378057, Respondent was convicted of violating Section 415(2) of the California Penal Code (Disturbing another by loud and unreasonable noise), a misdemeanor and 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.

Х

The crimes of which Respondent was convicted, as alleged in Paragraphs IV, V, VI, VII, VIII and IX, above, individually and collectively, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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WHEREFORE, the Complainant prays that the aboveentitled 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, and for such other and
further relief as may be proper under other provisions of law.

JOHN W. SWEENEY

Deputy Real Estate Commissioner

s $\frac{13}{13}$ day of $\frac{13}{13}$, 200

Dated at Fresno, California,