

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

MAY - 3 2011

DEPARTMENT OF REAL ESTATE
By *R. [Signature]*

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11
12 SCOTT ANDREW SCHUIL,

13 Respondent.
14

)
) No. H-2594 FR

) **STIPULATION AND WAIVER**
)
)
)

15 I, SCOTT ANDREW SCHUIL, Respondent herein, do hereby affirm that I have applied to
16 the Department of Real Estate for a real estate salesperson license and that to the best of my
17 knowledge I have satisfied all of the statutory requirements for the issuance of the license, including
18 the payment of the fee therefore.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to
20 Respondent filed by the Department of Real Estate on March 2, 2011, in connection with my
21 application for a real estate salesperson license. I understand that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion
24 waive the hearing and grant me a restricted real estate salesperson license based upon this
25 Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the
26 Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet
27 all the requirements for issuance of a real estate salesperson license. I further understand that by

1 entering into this Stipulation and Waiver I will be stipulating that the Real Estate Commissioner has
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me
3 of an unrestricted real estate salesperson license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and
5 correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate
6 salesperson license to me under the authority of Section 10156.5 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
9 and the opportunity to present evidence at the hearing to establish my rehabilitation in order to
10 obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by
11 the Real Estate Commissioner. However, I am not waiving my right to a hearing and to further
12 proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not
13 accepted by the Commissioner.

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

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

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- 1 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor
2 the removal of any of the conditions, limitations, or restrictions attaching to the
3 restricted license until two years have elapsed from the date of issuance of the restricted
4 license to Respondent.
- 5 3. With the application for license, or with the application for transfer to a new employing
6 broker, I shall submit a statement signed by the prospective employing broker on a form
7 approved by the Department of Real Estate wherein the employing broker shall certify as
8 follows:
- 9 a. That broker has read the Statement of Issues which is the basis for the issuance of
10 the restricted license; and
- 11 b. That broker will carefully review all transaction documents prepared by the
12 restricted licensee and otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.
- 14 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
15 sending a certified letter to the Commissioner at the Department of Real Estate, Post
16 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
17 Respondent's arrest, the crime for which Respondent was arrested and the name and
18 address of the arresting law enforcement agency. Respondent's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted
20 license and shall be grounds for the suspension or revocation of that license.

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

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

3
4 4/18/2011
5 Dated


6 _____
7 SCOTT ANDREW SCHUIL, Respondent

8 * * *

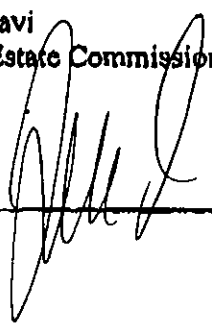
9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
10 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as
11 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to
12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

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

17 This Order is effective immediately.

18 IT IS SO ORDERED 4-27-2011

19 Jeff Davi
20 Real Estate Commissioner


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1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0789 (main)
6 (916) 227-0792 (direct)

FILED

MAR - 8 2011

DEPARTMENT OF REAL ESTATE

By A. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Application of)
12) H-2594 FR
13 SCOTT ANDREW SCHUIL,)
14) STATEMENT OF ISSUES
15 Respondent.)

16 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
17 State of California, for Statement of Issues against SCOTT ANDREW SCHUIL, (hereafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 Complainant makes this Statement of Issues against Respondent in his official
21 capacity.

22 2

23 Respondent made application to the Department of Real Estate of the State of
24 California for a real estate salesperson license on or about February 1, 2010.

25 3

26 On or about January 9, 2007, in the Superior Court of the State of California,
27 County of Los Angeles, Case No. 6JB09288, Respondent was convicted of violating Section

1 484(a) of the California Penal Code (petty theft), a misdemeanor and a crime which bears a
2 substantial relationship under Section 2910, Title 10, California Code of Regulations (hereafter
3 "the Code"), to the qualifications, functions or duties of a real estate licensee.

4 4

5 Respondent's criminal conviction, described in Paragraph 3, above, constitutes
6 cause for denial of Respondent's application for a real estate salesperson license pursuant to the
7 provisions of Section 480(a) (denial of license - conviction of crime) and 10177(b) (conviction
8 of crime substantially related to qualifications, functions or duties of real estate licensee) of the
9 Code.

10 WHEREFORE, Complainant prays that the above-entitled matter be set for
11 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
12 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
13 Respondent, and for such other and further relief as may be proper under the provisions of the
14 law.

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17 _____
18 LUKE MARTIN
Deputy Real Estate Commissioner

19 Dated at Fresno, California,
20 this 1st day of March, 2011.