

FILED

June 11, 2012

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

Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By 

**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

* * *

In the Matter of the Application of

JONATHAN SCOTT HOGAN,

Respondent.

No. H-2727 FR

**STIPULATION
AND WAIVER**

It is hereby stipulated by and between JONATHAN SCOTT HOGAN (hereinafter "Respondent"), and his attorney Thomas P. Hogan, and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on April 24, 2012 in this matter:

Respondent acknowledges that he 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 these 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

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JONATHAN SCOTT HOGAN

1 burden to Respondent to make a satisfactory showing that Respondent meets all the requirements
2 for issuance of a real estate salesperson license. Respondent further understands that by entering
3 into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
4 has found that Respondent has failed to make such a showing, thereby justifying the denial of the
5 issuance to Respondent of an unrestricted real estate salesperson license.

6 Respondent hereby admits that the allegations of the Statement of Issues filed
7 against Respondent are true and correct and requests that the Real Estate Commissioner in his/her
8 discretion issue a restricted real estate salesperson license to Respondent under the authority of
9 Section 10156.5 of the Business and Professions Code.

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

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

20 1. The license shall not confer any property right in the privileges to be
21 exercised including the right of renewal, and the Real Estate Commissioner may by appropriate
22 order suspend the right to exercise any privileges granted under this restricted license in the event
23 of:

24 a. The conviction of Respondent (including a plea of nolo contendere)
25 of a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate
26 licensee; or
27

1 b. The receipt of evidence that Respondent has violated provisions of
2 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
3 Commissioner or conditions attaching to this restricted license.

4 2. Respondent shall not be eligible to apply for the issuance of an unrestricted
5 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to
6 the restricted license until two (2) years have elapsed from the date of issuance of the restricted
7 license to Respondent.

8 3. Respondent shall notify the Commissioner in writing within 72 hours of any
9 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
10 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
11 Respondent's arrest, the crime for which Respondent was arrested and the name and address of the
12 arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute
13 an independent violation of the terms of the restricted license and shall be grounds for the
14 suspension or revocation of that license.

15 4. With the application for license, or with the application for transfer to a new
16 employing broker, Respondent shall submit a statement signed by the prospective employing broker
17 on a form approved by the Department of Real Estate wherein the employing broker shall certify as
18 follows:

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

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

24
25 5/23/12

26 Dated

24
25 Richard K. Uno

26 Richard K. Uno, Counsel
27 Department of Real Estate

1 * * *

2 I have read the Stipulation and Waiver and its terms are understood by me and are
3 agreeable and acceptable to me. I understand that I am waiving rights given to me by the California
4 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
5 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
6 including the right of a hearing on the Statement of Issues at which I would have the right to cross-
7 examine witnesses against me and to present evidence in defense and mitigation of the charges.

8 Respondent can signify acceptance and approval of the terms and conditions of this
9 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to
10 the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands
11 that by electronically sending to the Department a fax copy of his actual signature as it appears on
12 the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on
13 Respondent as if the Department had received the original signed Stipulation and Waiver.

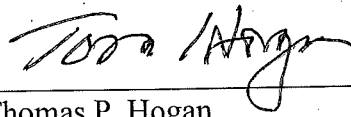
14
15 5/16/12
16 Dated

17 
18 JONATHAN SCOTT HOGAN, Respondent

19 * * *

20 I have reviewed this Stipulation and Agreement as to form and content and have
21 advised my client accordingly.

22 5/16/12
23 Dated

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25 Thomas P. Hogan
26 Attorney for Respondent
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* * *

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.

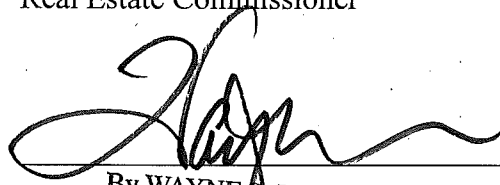
Therefore, IT IS HISEBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

6/6/2012

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel