

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
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FILED

JAN 28 2013

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 *In the Matter of the Application of*)
13) NO. H-2733 FR
14 JERRI G. TERRY,)
15) **STIPULATION AND WAIVER**
16 Respondent.)

17 I, JERRI G. TERRY (herein "Respondent"), do hereby affirm that I have applied
18 to the Department of Real Estate for a real estate salesperson license and that to the best of my
19 knowledge I have satisfied all of the statutory requirements for the issuance of the license,
20 including the payment of the fee therefore.

21 I acknowledge that I have received and read the Statement of Issues and the
22 Statement to Respondent filed by the Department of Real Estate on April 18, 2012, in connection
23 with my application for a real estate salesperson license. I understand that the Real Estate
24 Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further
25 proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his
26 discretion waive the hearing and grant me a restricted real estate salesperson license based upon
27 this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter

1 the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I
2 meet all the requirements for issuance of a real estate salesperson license. I further understand
3 that by entering into this Stipulation and Waiver I will be stipulating that the Real Estate
4 Commissioner has found that I have failed to make such a showing, thereby justifying the denial
5 of the issuance to me of an unrestricted real estate salesperson license.

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

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

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

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

1 2. I shall not be eligible to apply for the issuance of an unrestricted real estate
2 license nor the removal of any of the conditions, limitations or restrictions attaching to the
3 restricted license until four years have elapsed from the date of issuance of the restricted license
4 to Respondent.

5 3. With the application for license, or with the application for transfer to a new
6 employing broker, I shall submit a statement signed by the prospective employing broker on a
7 form approved by the Department of Real Estate wherein the employing broker shall certify as
8 follows:

9 a. The broker has read the Statement of Issues which is the basis for the
10 issuance of the restricted license; and

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

14 4. Respondent shall notify the Commissioner in writing within 72 hours of any
15 arrest by 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 address of
18 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
19 constitute an independent violation of the terms of the restricted license and shall be grounds for
20 the suspension or revocation of that license.

21 5. Respondent shall pay the sum of \$7,809.50 for the Commissioner's cost of
22 the audit which led to this disciplinary action. Respondent shall pay such cost within sixty (60)
23 days of receiving an invoice therefor from the Commissioner. The Commissioner may
24 indefinitely suspend all licenses and licensing rights pending a hearing held in accordance with
25 Section 11500, et seq., of the Government Code, if payment is not timely made as provided for
26 herein, or as provided for in a subsequent agreement between Respondent and the
27 Commissioner. The suspension shall remain in effect until payment is made in full or until

1 Respondent enters into an agreement satisfactory to the Commissioner to provide for payment,
2 or until a decision providing otherwise is adopted following a hearing held pursuant to this
3 condition.

4 6. Respondent's employing broker, David Gould, will be subject to a follow-up
5 audit, at no cost to him, to determine if the violations which led to this disciplinary action,
6 pursuant to the Statement of Issues, H-2733 FR, have been corrected.

7
8 7/24/12
9 DATED

10 7/31/12
11 DATED

12
13 Jerry G. Terry
14 JERRI G. TERRY, Respondent

15 David Gould
16 DAVID GOULD, Real Estate Broker

17 ***

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

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

26 This Order is effective January 28, 2013

27 IT IS SO ORDERED

11/28/2012

Real Estate Commissioner

Wayne S. Bell
By WAYNE S. BELL
Chief Counsel