

**FILED**

**May 31, 2012**

1 Department of Real Estate  
2 2201 Broadway  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

Telephone: (916) 227-0789

By *D. Jones*

**DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

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*In the Matter of the Application of*

H-2755 FR

JOHANNA LYNN STICKNEY,

**STIPULATION AND WAIVER**

Respondent.

(Per Business and Professions Code § 10100.4)

14 JOHANNA LYNN STICKNEY ("Respondent"), does hereby affirm that on August  
15 10, 2011 she applied to the Department of Real Estate ("Department") for a real estate salesperson  
16 license and that to the best of her knowledge she satisfied all of the statutory requirements for the  
17 issuance of the license, including the payment of the fee therefore.

FACTUAL BASIS

20 On or about November 24, 1994, in the Superior Court of the State of California,  
21 County of Fresno, Case Number M94013208-4, Respondent was convicted of violating Section 488  
22 of the Penal Code (petty theft), a misdemeanor which bears a substantial relationship under Section  
23 2910, title 10, California Code of Regulations ("Regulations") to the qualifications, functions or  
24 duties of a real estate licensee.

25 On or about June 30, 2009 Respondent applied for a real estate salesperson license.  
26 On or about October 26, 2010, in Case Number H-2483 FR before the Department, Respondent's  
27 real estate salesperson application was denied for violation of Sections 480(a) and 10177(b) of the



1 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order  
2 to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to a  
3 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation  
4 and Waiver is not accepted by the Commissioner.

5 Respondent understands that this Stipulation and Waiver, which was executed  
6 pursuant to the authority under section 10100.4 and 10156.5 of the Code, is considered discipline  
7 by the Department.

8 Respondent further understand that the following conditions, limitations and  
9 restrictions will attach to a restricted real estate license issued by the Department pursuant hereto:

10 1. The license shall not confer any property right in the privileges to be  
11 exercised and the Commissioner may by appropriate order suspend the right to exercise any  
12 privileges granted under this restricted license in the event of:

13 a. Respondent's conviction (including a plea of nolo contendere) of a  
14 crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate  
15 licensee; or

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

19 2. Respondent shall not be eligible to apply for the issuance of an unrestricted  
20 real estate license nor the removal of any of the conditions, limitations or restrictions attaching to  
21 the restricted real estate license until two years have elapsed from the date of issuance of the  
22 restricted real estate license to Respondent.

23 3. With the application for license, or with the application for transfer to a new  
24 employing broker, Respondent shall submit a statement signed by the prospective employing broker  
25 on a form approved by the Department wherein the employing broker shall certify as follows:

26 a. That broker has read the Stipulation and Waiver which is the basis for  
27 the issuance of the restricted license; and

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

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

11                 Respondent has read the Stipulation and Waiver and its terms are understood by  
12 Respondent and agreeable and acceptable to Respondent. Respondent understands that Respondent  
13 is waiving rights given to Respondent by the California Administrative Procedure Act (including,  
14 but not limited to, California Government Code sections 11504, 11506, 11508, 11509, and 11513),  
15 and willingly, intelligently, and voluntarily waives those rights, including, but not limited to, the  
16 right to a hearing on a Statement of Issues at which he would have the right to cross-examine  
17 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

18                 Respondent can signify acceptance and approval of the terms and conditions of this  
19 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to  
20 the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands  
21 that by electronically sending to the Department a fax copy of Respondent's actual signature as it  
22 appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as  
23 binding on Respondent as if the Department had received the original signed Stipulation and  
24 Waiver.

25  
26     April 17, 2012  
27                     Dated

Johanna Lynn Stickney  
                   JOHANA LYNN STICKNEY, Respondent

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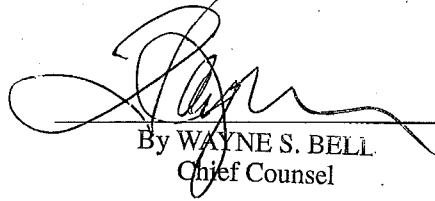
I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate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

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent JOHANA LYNN STICKNEY 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 5/18/2012

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel