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MAR 17 2014

BUREAU OF REAL ESTATE

By *[Signature]*

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
)	NO. H- 2813 FR
ERICH EDWIN SCHALLER,)	
)	<u>STIPULATION AND WAIVER</u>
Respondent.)	
)	

It is hereby stipulated by and between ERICH EDWIN SCHALLER, (Respondent), and Respondent's attorney, STEVEN QUADE, and the Complainant, acting by and through RICHARD K. UNO, counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on 3/1/13 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Bureau 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 my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me 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

1 Respondent to make a satisfactory showing that Respondent meets all the requirements for the
2 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
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 Respondent hereby admits that the allegations of the Statement of Issues filed
7 against Respondent are true and correct and request that the Real Estate Commissioner in his
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 my rehabilitation in order to obtain an unrestricted real estate salesperson license if this
13 Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is
14 not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or
15 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

16 Respondent further understand that the following conditions, limitations and
17 restrictions will attach to a restricted real estate salesperson license issued by the Bureau of Real
18 Estate pursuant hereto:

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

22 (a) The conviction of Respondent (including a plea of nolo contendere) to a crime

23 which bears a substantial relationship to Respondent's fitness or capacity
24 as a real estate licensee; or

25 (b) The receipt of evidence that Respondent has violated provisions of the

26 California Real Estate Law, the Subdivided Lands Law, Regulations of the
27 Real Estate Commissioner or conditions attaching to this restricted license.

1 2. Respondent shall not be eligible to apply for the issuance of an unrestricted
2 real estate license nor the removal of any of the conditions, limitations or restrictions attaching to
3 the restricted license until four (4) years has 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
6 employing broker, Respondent shall submit a statement signed by the prospective employing
7 broker on a form approved by the Bureau of Real Estate wherein the employing broker shall
8 certify as follows:

9 (a) That broker has read the Statement of Issues which is the basis for the issuance
10 of 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
15 1/27/14

16 _____
DATED

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RICHARD K. UNO, Counsel III
Bureau of Real Estate

18 I have read the Stipulation and Waiver, have discussed it with my counsel, and its
19 terms are understood by me and are agreeable and acceptable to me. I understand that I am
20 waiving rights given to me by the California Administrative Procedure Act (including but not
21 limited to Section 11506, 11508, 11509, and 11513 of the Government Code), and I willingly,
22 intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement
23 of Issues at which I would have the right to cross-examine witnesses against me and to present
24 evidence in defense and mitigation of the charges.

25 Respondent can signify acceptance and approval of the terms and conditions of
26 this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by
27

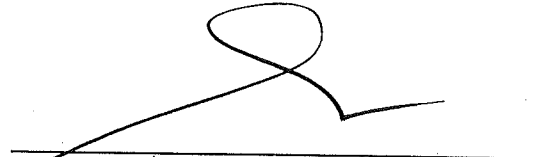
1 Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and
2 understands that by electronically sending to the Bureau a fax copy of his actual signature as it
3 appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as
4 binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver.

5
6 1/27/14
7 Dated


8 ERICH EDWIN SCHALLER, Respondent

9 I have reviewed the Stipulation and Waiver as to form and content and have
10 advised my client accordingly.

11
12 1/27/14
13 Dated


14 STEVEN QUADE, Attorney for
15 Respondent

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

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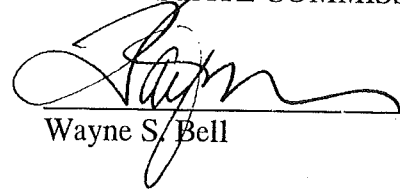
26 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
27 license be issued to respondent, if Respondent has otherwise fulfilled all of the statutory

1 requirements for licensure. The restricted license shall be limited, conditioned and restricted as
2 specified in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 DATED: 3/6/2014
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6 REAL ESTATE COMMISSIONER

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Wayne S. Bell