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FILED

SEP 04 2014

BUREAU OF REAL ESTATE

By 

Bureau of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JASON KEITH SPENCE,

Respondent.

No. H-2859 FR

STIPULATION AND WAIVER

It is hereby stipulated by and between JASON KEITH SPENCE (hereinafter "Respondent"), Respondent's attorney, Frank M. Buda of the Law Offices of Frank M. Buda, and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on January 16, 2014, 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 Respondent's honesty and truthfulness and to prove other 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

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

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

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

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

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

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

25 or

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1 (b) The receipt of evidence that Respondent has violated provisions of the
2 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 real
5 estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the
6 restricted license until two years have elapsed from the date of issuance of the restricted license to
7 Respondent.

8 3. With the application for license, or with the application for transfer to a new
9 employing broker, Respondent shall submit a statement signed by the prospective employing
10 broker on a form approved by the Bureau of Real Estate wherein the employing broker shall certify
11 as follows:

12 (a) That broker has read the Statement of Issues which is the basis for the issuance
13 of the restricted license; and

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

17 4. Respondent shall notify the Commissioner in writing within 72 hours of any
18 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
19 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
20 arrest, the crime for which Respondent was arrested and the name and address of the arresting law
21 enforcement agency. Respondent's failure to timely file written notice shall constitute an
22 independent violation of the terms of the restricted license and shall be grounds for the suspension
23 or revocation of that license.

24
25 DATED: 8-18-14



Amelia V. Vetrone
Counsel for the
Bureau of Real Estate

1 * * *

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

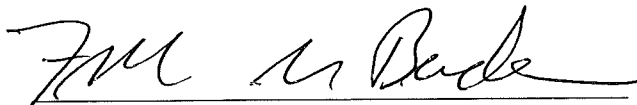
9 Respondent can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to
11 the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that
12 by electronically sending to the Bureau a fax copy of her actual signature as it appears on the
13 Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on
14 Respondent as if the Bureau had received the original signed Stipulation and Waiver.

15
16 DATED: 8/11/2014

17 
18 JASON KEITH SPENCE
19 Respondent

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

22 DATED: 8-11-14

23 
24 Frank M. Buda
25 Attorney for Respondent

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1 * * *

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

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

10 This Order is effective immediately.

11 IT IS SO ORDERED AUG 27 2014.

12 REAL ESTATE COMMISSIONER

13 

14 By: JEFFREY MASON
15 Chief Deputy Commissioner

MARY F. CLARKE, Counsel (SBN 186744)
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FILED

JAN 16 2014

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
JASON KEITH SPENCE,)
Respondent.)

NO. H-2859 FR

STATEMENT OF ISSUES

The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner
(herein "Complainant"), of the State of California, Bureau of Real Estate (herein "the Bureau"),
for Statement of Issues against Respondent JASON KEITH SPENCE (herein "Respondent"), is
informed and alleges as follows:

1

Complainant makes this Statement of Issues in her official capacity.

2

Respondent made application to the Bureau for a real estate salesperson license
on about December 24, 2012.

3

Respondent, two (2) months earlier, first made application to the Bureau for a
real estate salesperson license on about September 21, 2012.

In response to Question 1 of Part D: BACKGROUND INFORMATION of Respondent's earlier license application described in Paragraph 3, above, to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY", Respondent answered "NO" in response to Question 1 of said application, Respondent concealed and failed to disclose the conviction described in Paragraph 5, below.

On about July 29, 2003, in the Superior Court, State of California, County of Los Angeles, Respondent was convicted of the crime of the Practice of Medicine Without Certification: Great Bodily Injury or Death, in violation of Section 2053 of the California Business and Professions Code (herein "the Code"), a misdemeanor that bears a substantial relationship under Section 2910, Chapter 6, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

On about April 23, 2002, after giving Respondent fair notice of the pending charges and being afforded the opportunity for a hearing and other due process protections, the Physician Assistant Committee, Medical Board of California Department of Consumer Affairs, in Accusation No. 1E-1999-104347, issued a Decision and Order ("the Order") that Respondent's Physician Assistant, License Number PA-14404 be revoked effective on about May 23, 2002. The Order was based upon the findings that Respondent violated several provisions of the Code, including, but not limited to, the following:

- (a) Section 3527 of the Code and Section 11150 of the Health and Safety Code: Gross Negligence;
- (b) Section 3527 and 2234(e): Dishonesty;

- 1 (c) Section 3502: Exceeding Protocol Authority of Physician Assistant;
2 (d) Section 3502.1(b)(2): Exceeding Drug Prescribing Authority of
3 Physician Assistant;
4 (e) Section 3502.1(b)(1): Exceeding Drug Prescribing Authority of
5 Physician Assistant; and
6 (f) Section 2052: Practicing Medicine Without a Valid Physician and
7 Surgeon's Certificate.

8 7

9 Respondent's failure to reveal in the first license application described in
10 Paragraphs 3 and 4, above, the conviction described in Paragraph 5, above, constitutes the
11 attempt to procure a real estate license by fraud, misrepresentation, deceit, or by making a
12 material misstatement of fact in said application, which failure is cause for denial of
13 Respondent's current application for a real estate license under Sections 480(c) and 10177(a)
14 of the Code.

15 8

16 The crime of which Respondent was convicted as alleged in Paragraph 5, above,
17 constitutes cause for denial of Respondent's application for a real estate license under Sections
18 480(a) and 10177(b) of the Code.

19 9

20 The facts described in Paragraph 6, above, constitute cause for denial of
21 Respondent's application for a real estate license under Sections 480(a)(2) (Act Involving
22 Dishonesty, Fraud or Deceit), Section 480(a)(3) (Substantially Related Act), Section 10177(f)
23 (Revocation of License Issued by State Agency), Section 10177(g) (Demonstrated Negligence
24 or Incompetence in Performing Act for Which License Was Required), and Section 10177(j)
25 (Act Involving Fraud or Dishonesty) of the Code.

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

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10 BREND A SMITH
11 Deputy Real Estate Commissioner
12

13 Dated at Fresno, California,
14 this 31 day of October, 2013.
15

16
17 DISCOVERY DEMAND
18

19 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
20 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in
21 the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate
22 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
23 Office of Administrative Hearings deems appropriate.
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