

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
MAR 17 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CHAD ELLIOT URIE,) NO. H-3047 SD
13 Respondent.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between CHAD ELLIOT URIE
16 (hereafter Respondent), represented by Blake R. Jones, Attorney
17 at Law, and the Complainant, acting by and through Deidre L.
18 Johnson, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing the Accusation in this
20 case filed on August 6, 2004.

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedures Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 Statement to Respondent, and the Discovery Provisions of the APA
3 filed by the Department of Real Estate in these proceedings.

4 3. On August 20, 2004, Respondent filed a Notice of
5 Defense pursuant to Section 11505 of the Government Code, for
6 the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his rights to require the Commissioner to prove
11 the allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing, such
14 as the right to present evidence in defense of the allegations
15 and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 him in the Accusation filed in this proceeding are true and
19 correct and the Real Estate Commissioner shall not be required
20 to provide further evidence of such allegations.

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 the decision in this matter, thereby imposing the penalty and
24 sanctions on the real estate license(s) and license rights of
25 Respondent, and as set forth in the below "Order". In the event
26 that the Commissioner in his discretion does not adopt the
27 Stipulation and Agreement, it shall be void and of no effect,

1 and Respondent shall retain the right to a hearing and proceeding
2 on the Accusation under all the provisions of the APA and shall
3 not be bound by any admission or waiver made herein.

4 6. The Order or any subsequent Order of the Real Estate
5 Commissioner made pursuant to this Stipulation and Agreement
6 shall not constitute an estoppel, merger, or bar to any further
7 administrative or civil proceedings by the Department of Real
8 Estate with respect to any matters which were not specifically
9 alleged to be causes for accusation in these proceedings.

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions
12 and waivers, and for the purpose of settlement of the pending
13 Accusation without a hearing, it is stipulated and agreed that
14 the following determinations of issues shall be made:

15 The acts and/or omissions of Respondent CHAD ELLIOT
16 URIE as stipulated above constitute grounds for disciplinary
17 action against the real estate salesperson license(s) and license
18 rights of Respondent under the provisions of Sections 490 and
19 10177(b) of the Code.

20 * * *

ORDER

- 21 A. All real estate license(s) and license rights of Respondent
22 CHAD ELLIOT URIE are hereby revoked.
- 23 B. A restricted real estate salesperson license shall be issued
24 to Respondent pursuant to Section 10156.6 of the Code, if he
25 makes application therefor and pays to the Department of Real
26 Estate the appropriate fee for said license within ninety
27 (90) days from the effective date of the Decision.

1 C. The restricted license issued to Respondent shall be subject
2 to all of the provisions of Section 10156.7 of the Business
3 and Professions Code and to the following limitations,
4 conditions, and restrictions imposed under authority of
5 Section 10156.6 of that Code:

6 (1) The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real
8 Estate Commissioner in the event of Respondent's
9 conviction or plea of nolo contendere to a crime
10 which is substantial related to Respondent's fitness
11 or capacity as a real estate licensee.

12 (2) The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the
15 Commissioner that Respondent has violated provisions of
16 the California Real Estate Law, the Subdivided Lands
17 Law, Regulations of the Real Estate Commissioner or
18 conditions attaching to the restricted license.

19 (3) Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license, nor
21 the removal of any of the conditions of the
22 restricted license, until two (2) years have elapsed
23 from the effective date of this Decision.

24 (4) Respondent shall submit with any application for
25 license under an employing broker, or any application
26 for transfer to an new employing broker, a statement
27 signed by the prospective employing real estate

1 broker on a form approved by the Department of Real
2 Estate which shall certify:

3 (a) That the employing broker has read the Decision
4 of the Commissioner which granted the right to a
5 restricted license; and,

6 (b) That the employing broker will exercise close
7 supervision over the performance by the
8 restricted licensee relating to activities for
9 which a real estate license is required.

10 (5) Respondent shall, within nine (9) months from the
11 effective date of this Decision, present evidence
12 satisfactory to the Real Estate Commissioner that
13 Respondent has, since the most recent issuance of an
14 original or renewal real estate license, taken and
15 successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real
17 Estate Law for renewal of a real estate license. If
18 Respondent fails to satisfy this condition, the
19 Commissioner may order the suspension of the restricted
20 license until the Respondent presents such evidence.
21 The Commissioner shall afford Respondent the opportunity
22 for hearing pursuant to the Administrative Procedure
23 Act to present such evidence.

24
25 February 15, 2005
26 DATED

27 Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for the Complainant

★ ★ ★

2 I have read the Stipulation and Agreement, have discussed
3 it with my counsel or understand that I have the right to consult
4 with counsel, and its terms are understood by me and are agreeable
5 and acceptable to me. I understand that I am waiving rights given to
6 me by the California Administrative Procedure Act, and I willingly,
7 intelligently, and voluntarily waive those rights, including but
8 not limited to the right of requiring the Commissioner to prove
9 the allegations in the Accusation at a hearing at which I would
10 have the right to cross-examine witnesses against me and to
11 present evidence in defense and mitigation of the charges.

1-14-05

DATED

Chad Uno

CHAD ELLIOT URIE, Respondent

APPROVED AS TO FORM:

DATED

BLAKE R. JONES
Attorney for Respondent

★ ★ ★

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision and shall become effective at 12 o'clock
22 noon on _____, 2005.

IT IS SO ORDERED _____, 2005.


JEFF DAVIS
Real Estate Commissioner

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CHAD ELLIOT URIE, Respondent

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BLAKE R. JONES
Attorney for Respondent

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JEFF DAVIS
Real Estate Commissioner

CHAD ELLIOT URIE

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
OCT 18 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

CHAD ELLIOTT URIE,

Respondent

} Case No. H-3047 SD

} OAH No. L-2004090604

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

**THE OFFICE OF ADMINISTRATIVE HEARINGS
1350 FRONT STREET, ROOM 6022
SAN DIEGO, CA 92101**

on **JANUARY 19, 2005**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 14, 2004

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED
AUG 06 2004

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Accusation of)
13 CHAD ELLIOTT URIE,) NO. H-3047 SD
14 Respondent.) ACCUSATION
15

16 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CHAD ELLIOTT URIE, is informed and alleges as follows:

19 I

20 CHAD ELLIOTT URIE (hereafter Respondent) is presently
21 licensed and/or has license rights under the Real Estate Law,
22 Part 1 of Division 4 of the California Business and Professions
23 Code (hereafter the Code) as a real estate salesperson.

24 II

25 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

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III

On or about January 23, 2002, in the Superior Court of California, County of San Diego, Respondent was convicted of violation of California Vehicle Code Sections 23152(a) (DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS), a crime involving moral turpitude, and/or a crime which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

IV

The facts alleged in Paragraph III above constitute cause under Sections 490 and/or 10177(b) of the Code for suspension or revocation of all license(s) and license rights of Respondent under the Real Estate Law.

MATTERS IN AGGRAVATION

V

On or about October 4, 1999, in the United States District Court for the Western District of Washington, Respondent was convicted of violation of Title 21 United States Code Sections 841(a)(1), 841(b)(1)(B), and 846 (CONSPIRACY TO DISTRIBUTE COCAINE), a felony, a crime involving moral turpitude, and/or a crime which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all license(s) and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

J. Chris Graves
J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 20th day of July, 2004.