

1 Bureau of Real Estate
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FILED

DEC 12 2017

BUREAU OF REAL ESTATE

By B. Nicholas

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9 **BUREAU OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11 * * *

12 *In the Matter of the Application of*

13 STEPHEN ARTHUR ADAMS,

14 Respondent.

H-3146 FR

STIPULATION AND WAIVER

(Per Business and Professions Code § 10100.4)

15 STEPHEN ARTHUR ADAMS, ("Respondent") does hereby affirm that on January
16 5, 2017, he applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license and
17 that to the best of his knowledge he satisfied all of the statutory requirements for the issuance of the
18 license, including the payment of the fee therefore.

19 FACTUAL BASIS

20 On April 6, 2015, before the Structural Pest Control Board, Department of
21 Consumer Affairs State of California, OAH No.:2014051083, revoked Respondent's Pest Control
22 and Operator's License, effective May 6, 2015. The revocation was stayed and his license was
23 placed on five years probation.

24 GROUND FOR DENIAL

25 Respondent's administrative discipline constitute grounds under Section 10177(f) of
26 the Code for the denial of Respondent's application for an unrestricted real estate license.

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1 TERMS AND CONDITIONS

2 Respondent understands that the Real Estate Commissioner ("Commissioner") may
3 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
4 Respondent's honesty and truthfulness and to prove other allegations therein, or that the
5 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson
6 license based upon this Stipulation and Waiver. Respondent also understands that by entering into
7 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
8 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
9 of a real estate salesperson license thereby justifying the denial of the issuance to her of an
10 unrestricted real estate salesperson license.

11 Respondent hereby admits the above Factual Basis is true and correct and requests
12 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
13 authority of section 10100.4 and 10156.5 of the Code. I understand that any such restricted license
14 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the
15 Code.

16 Respondent is aware that by signing this Stipulation and Waiver, and if this
17 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a
18 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order
19 to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to a
20 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
21 and Waiver is not accepted by the Commissioner.

22 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
23 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
24 removed only by filing a Petition for Removal of Restrictions ("petition") with the Commissioner,
25 and that Respondent's petition must follow the procedures set forth in Government Code Section
26 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to
27

1 the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the
2 Bureau.

3 Respondent further understands that the restricted license issued to Respondent shall
4 be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
5 conditions, and restrictions imposed under the authority of Section 10156.6 of the Code:

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

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

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

15 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
16 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to
17 the restricted real estate license until four (4) years have elapsed from the date of issuance of the
18 restricted real estate license to Respondent. Respondent shall not be eligible to apply for any
19 unrestricted licenses until all restrictions attaching to the license have been removed.


20 3. With the application for license, or with the application for transfer to a new
21 employing broker, Respondent shall submit a statement signed by the prospective employing broker
22 on a form approved by the Bureau wherein the employing broker shall certify as follows:

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

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

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

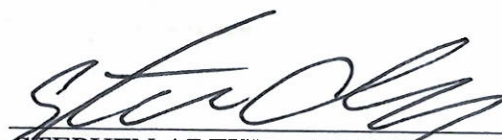
8 11/20/17
9 Dated


John Barron, Counsel
Bureau of Real Estate

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

19
20 11/14/17
21 Dated


STEPHEN ARTHUR ADAMS, Respondent

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

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1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
2 license be issued to Respondent STEPHEN ARTHUR ADAMS, if Respondent has otherwise
3 fulfilled all of the statutory requirements for licensure. The restricted license shall be limited,
4 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

5 This Order is effective immediately.

6
7 IT IS SO ORDERED 12/7/17 .

8 WAYNE S. BELL
9 REAL ESTATE COMMISSIONER

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11  .

12 By: DANIEL J. SANDRI
13 Chief Deputy Commissioner