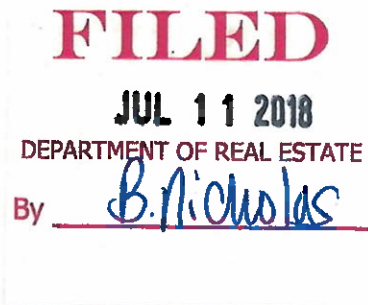


1 Bureau of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8672



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

11 * * *

12 *In the Matter of the Application of*

13 ANDREW RYAN BALCH,

14 Respondent.

H-3163 FR

STIPULATION AND WAIVER
(Per Business and Professions Code § 10100.4)

15 It is hereby stipulated by and between ANDREW RYAN BALCH, ("Respondent")
16 acting by and through his counsel Nick Zinkin, and the Complainant, acting by and through Kyle T.
17 Jones, counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and
18 disposing of the Statement of Issues filed on March 13, 2018 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of
20 Issues and the Statement to Respondent filed by the Bureau in connection with Respondent's
21 application for a real estate salesperson license.

22 Respondent understands that the Real Estate Commissioner
23 ("Commissioner") may hold a hearing regarding the matters discussed above for the purpose of
24 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
25 therein, or that the Commissioner may waive the hearing and grant Respondent a restricted real
26 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands
27 that by entering into this Stipulation and Waiver, Respondent will be stipulating that the
Commissioner has found that Respondent has failed to make a showing that Respondent meets all

1 the requirements for issuance of a real estate salesperson license thereby justifying the denial of the
2 issuance to him of an unrestricted real estate salesperson license.

3 Respondent hereby admits the allegations of the Statement of Issues filed against
4 Respondent are true and correct and requests that the Commissioner issue a restricted real estate
5 salesperson license to Respondent under the authority of section 10100.4 and 10156.5 of the Code.
6 Respondent understands that any such restricted license will be issued subject to the provisions of
7 and limitations of sections 10156.6 and 10156.7 of the Code.

8 Respondent is aware that by signing this Stipulation and Waiver, and if this
9 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a
10 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order
11 to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
13 and Waiver is not accepted by the Commissioner.

14 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
15 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
16 removed only by filing a Petition for Removal of Restrictions ("petition") with the Commissioner,
17 and that Respondent's petition must follow the procedures set forth in Government Code Section
18 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to
19 the authority under Section 10100.4 and 10156.5 of the Code, is considered discipline by the
20 Bureau.

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

24 1. The license shall not confer any property right in the privileges to be
25 exercised and the Commissioner may by appropriate order suspend the right to exercise any
26 privileges granted under this restricted license in the event of:
27

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

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

7 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
8 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to
9 the restricted real estate license until three (3) years have elapsed from the date of issuance of the
10 restricted real estate license to Respondent. Respondent shall not be eligible to apply for any
11 unrestricted licenses until all restrictions attaching to the license have been removed.

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

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

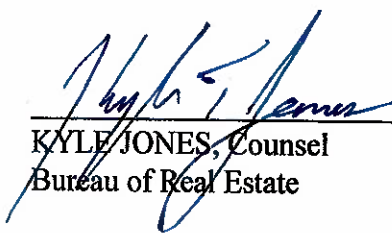
17 b. That broker will carefully review all transaction documents prepared by the
18 restricted licensee and otherwise exercise close supervision over the licensee's performance of acts
19 for which a license is required.

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

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6/22/18
Dated _____


KYLE JONES, Counsel
Bureau of Real Estate

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

6/14/18
Dated _____


ANDREW RYAN BALCH
Respondent

I have reviewed this Stipulation and Waiver as to form and content and have advised my clients accordingly.

6/14/18
Dated _____


NICK ZINKIN
Attorney for Respondent

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 ANDREW RYAN BALCH, if Respondent has otherwise fulfilled

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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 *July 10, 2018*

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri