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1	Department of Real Estate P.O. Box 187007	TAUG 1 5 2005
2	Sacramento, CA 95818-7007	EPARTMENT OF REAL ESTATE
3	Telephone: (916) 227-0789	Anno Akan
4		freed from the second
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7	DEPARTMENT OF REAL ESTATE	
8	STATE OF CALIFORNIA	
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10	In the Matter of the Application of	No. H- 3180 SD
11	JAMES E. HAWKINS) STIPULATION AND
12		WAIVER
13	Respondent))
14) .
15	It is hereby stipulated by and between JAMES E. HAWKINS (hereinafter "Respondent") and	
16	Respondent's attorney, Jason D. Cohn, and the Complainant, acting by	and through Truly Sughrue, Counsel
17	for the Department of Real Estate, as follows for the purpose of settling	and disposing of the Statement of
18	Issues filed on April 15, 2005 in this matter:	
. 19	Respondent acknowledges that Respondent has received and read	the Statement of Issues and the
20	Statement to Respondent filed by the Department of Real Estate in conr	nection with Respondent's
21	application for a real estate salesperson license. Respondent understand	s that the Real Estate Commissioner
22	may hold a hearing on this Statement of Issues for the purpose of requir	ing further proof of Respondent's
23	honesty and truthfulness and to prove other allegations therein, or that h	e may in his discretion waive the
24	hearing and grant Respondent a restricted real estate salesperson license	e based upon this Stipulation and
25	Waiver. Respondent also understands that by filing the Statement of Iss	ues in this matter the Real Estate
26	Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets	
27	all the requirements for issuance of a real estate salesperson license. Re-	spondent further understands that by
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entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner
 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
 to Respondent of an unrestricted real estate salesperson license.

Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
Professions Code. Respondent understands that any such restricted license will be issued subject to and be
limited by Section 10153.4 of the Business and Professions Code.

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

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

- The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.
 - 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted

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1		license until two years have elapsed from the date of issuance of the restricted license to
2		Respondent.
3	3.	With the application for license, or with the application for transfer to a new employing broker,
4		Respondent shall submit a statement signed by the prospective employing broker on a form
5		approved by the Department of Real Estate wherein the employing broker shall certify as
6		follows:
7		a. That broker has read the Statement of Issues which is the basis for the issuance of the
8		restricted license; and
9		b. That broker will carefully review all transaction documents prepared by the restricted
10		licensee and otherwise exercise close supervision over the licensee's performance of acts
11		for which a license is required.
12	4.	Respondent's restricted real estate salesperson license is issued subject to the requirements of
13		Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14		eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15		the Commissioner of successful completion, at an accredited institution, of two of the courses
16		listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
17		advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely
18		present to the Department satisfactory evidence of successful completion of the two required
19		courses, the restricted license shall be automatically suspended effective eighteen (18) months
20		after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
21		the restricted license, Respondent has submitted the required evidence of course completion and
22		the Commissioner has given written notice to Respondent of the lifting of the suspension.
23	5.	Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
24		license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
25		and shall not be entitled to the issuance of another license which is subject to Section 10153.4
26		until four years after the date of the issuance of the preceding restricted license.
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1 TRULY SUGHRUE, Counsel, Department of Real Estate Dated 2 3 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are 4 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me 5 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, 6 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, 7 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine 8 witnesses against me and to present evidence in defense and mitigation of the charges. 9 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and 10 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax 11 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending 12 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt 13 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received 14 15 the original signed Stipulation and Waiver. 16 JAMES E. HAWKINS, Respondent Dated 17 I have reviewed the Stipulation and Waiver as to form and content and have advised my client 18 accordingly. 19 20 Dated JASON D. COHN, Attorney for Respondent 21 22 23 24

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, []	25-Tule-05	
2	Dated TRULY SUGHRUE Counsel, Department of Real Estate	
3	***	
4	I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are	
5	understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me	
6	by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,	
7	and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,	
8	including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine	
9	witnesses against me and to present evidence in defense and mitigation of the charges.	
	Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and	
10	Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax	
11	number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending	
12	to the Department a fax copy of his actual signature as it appears on the Stipulation and Walver, that receipt	
15	of the faxed copy by the Department shall be as binding on Respondent as if the Department had received	
	the original signed Stipulation and Waiver.	
15	July 22, 2005	
16	Dated JAMES E. HAWKINS, Respondent	
17	I have reviewed the Stipulation and Waiver as to form and content and have advised my client	
18	accordingly.	
19	Jul 22, 2005 Dated JASON'S: COHN, Automey for Respondent	
20	Dated JASON'S. CÓHN, Automey for Respondent	
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1	***	
2	I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by	
3	Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and	
4	truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a	
5	restricted real estate salesperson license to Respondent.	
6	Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to	
7	Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The	
8	restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and	
9	Waiver.	
10	This Order is effective immediately.	
11	IT IS SO ORDERED $\underline{\qquad}$	
12	Thu /	
13	Jeff Davi Real Estate Commissioner	
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. 1 .	TRULY SUGHRUE, Counsel State Bar No. 223266 Department of Real Estate P. O. Box 187007
3	P.O. Box 187007 Sacramento, CA 95818-7007
4	Telephone: (916) 227-0781
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Application of) No. H-3180 SD
12) JAMES E. HAWKINS,) <u>STATEMENT OF ISSUES</u>
13) Respondent.)
14	· · · · · · · · · · · · · · · · · · ·
15	The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16	Commissioner of the State of California, for Statement of Issues
17	against JAMES E. HAWKINS (hereinafter "Respondent"), is informed
18	and alleges as follows:
19	I
20	Respondent made application to the Department of Real
21	Estate of the State of California for a real estate salesperson
22	license on or about February 3, 2004, with the knowledge and
23	understanding that any license issued as a result of said
24	application would be subject to the conditions of Section 10153.4
25	of the Business and Professions Code.
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1 II 2 Complainant, J. CHRIS GRAVES, a Deputy Real Estate 3 Commissioner of the State of California, makes this Statement of 4 Issues in his official capacity and not otherwise. 5 III 6 On or about October, 10, 2001, in the Superior Court, 7 County of San Bernardino, Respondent was convicted of a violation 8 of Section 11379.2 of the California Health and Safety Code 9 (Possession for Sale of a Controlled Substance), a crime 10 involving moral turpitude which bears a substantial relationship 11 under Section 2910, Title 10, California Code of Regulations, to 12 the qualifications, functions, or duties of a real estate 13 licensee. 14 VI 15 The crime of which Respondent was convicted, as alleged 16 above, constitutes cause for denial of Respondent's application 17 for a real estate license under Sections 480(a) and 10177(b) of 18 the California Business and Professions Code. 19 $\boldsymbol{\Lambda}$ 20 $\boldsymbol{1}$ 21 $\boldsymbol{\Lambda}\boldsymbol{\Lambda}$ 22 $\langle \rangle \rangle$ 23 $\boldsymbol{\Lambda}\boldsymbol{\Lambda}$ 24 $\langle \rangle \rangle$ 25 $\langle \rangle \rangle$ 26 111 27 ///

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law. J. CHRIS GRAVES Deputy Real Estate Commissioner Dated at San Diego, California, this 13 day of Uprel, 2005.