

FILED
SEP 29 2005

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By Anne Shawver

**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

ANSON GRADY CAPE

No. H- 3251 SD

**STIPULATION AND
WAIVER**

Respondent

I, ANSON GRADY CAPE, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on August 2, 2005, in connection with my application for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate broker license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

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

- 13 1. The license shall not confer any property right in the privileges to be exercised and the Real
14 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
15 granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
2 the original signed Stipulation and Waiver.

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4 9/12/2005

5 Dated

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7 ANSON GRADY CAPE, Respondent

8 * * *

9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
10 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
12 restricted real estate broker license to respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
14 respondent ANSON GRADY CAPE if respondent has otherwise fulfilled all of the statutory requirements
15 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
16 Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED 9-26-05

19 
20 Jeff Davi
21 Real Estate Commissioner
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1 TRULY SUGHRUE, Counsel
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FILED
AUG 02 2005

DEPARTMENT OF REAL ESTATE

By Anne Pham

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 ANSON GRADY CAPE,)
13 Respondent.)

No. H-3251 SD

STATEMENT OF ISSUES

14
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against ANSON GRADY CAPE (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 broker
22 license on or about February 2, 2005.

23 II

24 Complainant, J. CHRIS GRAVES, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

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1 III

2 On or about May 20, 1999, in the Superior Court, County
3 of Santa Barbara, Respondent was convicted of a violation of
4 Section 11378 of the California Health and Safety Code
5 (Possession of a Controlled Substance for Sale), a crime
6 involving moral turpitude which bears a substantial relationship
7 under Section 2910, Title 10, California Code of Regulations, to
8 the qualifications, functions, or duties of a real estate
9 licensee.

10 IV

11 On or about July 24, 2002, in the Superior Court,
12 County of San Diego, Respondent was convicted of a violation of
13 Section 415(1) of the California Penal Code (Disturbing the
14 Peace), a crime involving moral turpitude which bears a
15 substantial relationship under Section 2910, Title 10, California
16 Code of Regulations, to the qualifications, functions, or duties
17 of a real estate licensee.

18 V

19 The crimes of which Respondent was convicted, as
20 alleged above, constitute cause for denial of Respondent's
21 application for a real estate license under Sections 480(a) and
22 10177(b) of the California Business and Professions Code.

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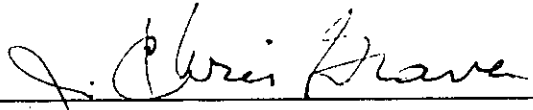
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate broker
5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

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8 
9 J. CHRIS GRAVES
Deputy Real Estate Commissioner

10 Dated at San Diego, California,
11 this 29th day of July, 2005.
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