

Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By K. Contreras

*In the Matter of the Application of*

Respondent.

## STIPULATION AND WAIVER

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 January 20, 2006, in connection with my application for a real estate salesperson 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 salesperson 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 salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and  
2 correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate  
3 salesperson license to me under the authority of Section 10156.5 of the Business and Professions Code. I  
4 understand that any such restricted license will be issued subject to and be limited by Section 10153.4 of the  
5 Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing  
7 and the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
10 restricted or 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  
12 a 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  
14 including the right of renewal, and the Real Estate Commissioner may by appropriate  
15 order suspend the right to exercise any privileges granted under this restricted license  
16 in the event of:

17 a. The conviction of Respondent (including a plea of nolo contendere) to a crime  
18 which bears a substantial relationship to Respondent's fitness or capacity as a  
19 real estate licensee; or

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

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor  
24 the removal of any of the conditions, limitations or restrictions attaching to the  
25 restricted license until two years have elapsed from the date of issuance of the  
26 restricted license to Respondent.

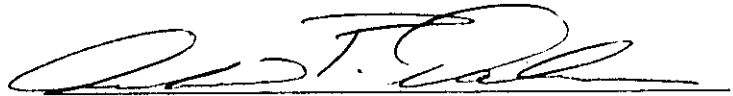
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- 1           3. With the application for license, or with the application for transfer to a new  
2           employing broker, I shall submit a statement signed by the prospective employing  
3           broker on a form approved by the Department of Real Estate wherein the employing  
4           broker shall certify as follows:  
5           a. That broker has read the Statement of Issues which is the basis for the issuance  
6           of the restricted license; and  
7           b. That broker will carefully review all transaction documents prepared by the  
8           restricted licensee and otherwise exercise close supervision over the licensee's  
9           performance of acts for which a license is required.  
10          4. My restricted real estate salesperson license is issued subject to the requirements of  
11          Section 10153.4 of the Business and Professions Code, to wit: I am required, within  
12          eighteen (18) months of the issuance of the restricted license, to submit evidence  
13          satisfactory to the Commissioner of successful completion, at an accredited  
14          institution, of a course in real estate practices and one of the courses listed in Section  
15          10153.2, other than real estate principles, advanced legal aspects of real estate,  
16          advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
17          present to the Department satisfactory evidence of successful completion of the two  
18          required courses, the restricted license shall be automatically suspended effective  
19          eighteen (18) months after the date of its issuance. Said suspension shall not be lifted  
20          unless, prior to the expiration of the restricted license, I have submitted the required  
21          evidence of course completion and the Commissioner has given written notice to  
22          Respondent of the lifting of the suspension.  
23          5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified  
24          license under Section 10153.4, Respondent shall not be entitled to renew the restricted  
25          license, and shall not be entitled to the issuance of another license which is subject to  
26          Section 10153.4 until four years after the date of the issuance of the preceding  
27          restricted license.

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

1-31-06

Dated



ANDREW PHILIP DAHM, Respondent

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I have read the Statement of Issues filed herein and 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 PHILIP DAHM, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

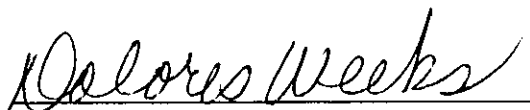
This Order is effective immediately.

IT IS SO ORDERED

February 9, 2006

JEFF DAVI  
Real Estate Commissioner

BY:



DOLORES WEEKS  
Southern Regional Manager

1 DANIEL E. KEHEW, Counsel (SBN 231550)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0425 (Direct)

FILED  
JAN 20 2006

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 Application of )

) H-3388 SD

12 ANDREW PHILIP DAHM )

) STATEMENT OF ISSUES

13 Respondent. )

14  
15 The Complainant, PHILLIP IHDE, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against ANDREW PHILIP DAHM (hereinafter "Respondent"), is  
18 informed and alleges as follows:

19 I

20 Complainant, PHILLIP IHDE, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues against Respondent in his official capacity.

23 II

24 Respondent made application to the Department of Real  
25 Estate of the State of California for a real estate salesperson  
26 license on or about September 10, 2004, with the knowledge and  
27 understanding that any license issued as a result of said

1 application would be subject to the conditions of Section 10153.4  
2 of the Business and Professions Code (hereinafter "Code").

3 III

4 On or about January 10, 1997, in the Superior Court of  
5 the State of California, County of San Diego, Respondent was  
6 convicted of Driving Under the Influence of Alcohol and/or Drugs  
7 in violation of Vehicle Code Section 23152(a), a misdemeanor and  
8 crime involving moral turpitude that bears a substantial  
9 relationship under Section 2910, Title 10, California Code of  
10 Regulations (hereinafter "Regulations"), to the qualifications,  
11 functions, or duties of a real estate licensee.

12 IV

13 Also on or about January 10, 1997, in the Superior  
14 Court of the State of California, County of San Diego, Respondent  
15 was again convicted of Driving Under the Influence of Alcohol  
16 and/or Drugs in violation of Vehicle Code Section 23152(a), a  
17 misdemeanor and crime involving moral turpitude that bears a  
18 substantial relationship under Section 2910, Title 10, of the  
19 Regulations to the qualifications, functions, or duties of a real  
20 estate licensee.

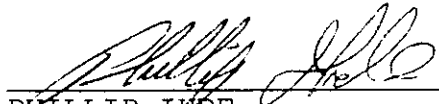
21 V

22 On or about July 19, 2000, in the Superior Court of the  
23 State of California, County of Imperial, Respondent was convicted  
24 of Driving Under the Influence of Alcohol and/or Drugs in  
25 violation of Vehicle Code Section 23152(b), a misdemeanor and a  
26 crime involving moral turpitude that bears a substantial  
27 relationship under Section 2910, Title 10, of the Regulations to

1 the qualifications, functions, or duties of a real estate  
2 licensee.

3 Respondent's criminal convictions, described in  
4 Paragraphs III, IV, and V above, constitute cause for denial of  
5 Respondent's application for a real estate license under Sections  
6 480(a) and 10177(b) of the Code.

7 WHEREFORE, Complainant prays that above-entitled matter  
8 be set for hearing and, upon proof of the charges contained  
9 herein, that the Commissioner refuse to authorize the issuance  
10 of, and deny the issuance of a real estate salesperson license to  
11 Respondent, and for such other and further relief as may be  
12 proper under other provisions of law.

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14   
15 PHILLIP INDE  
16 Deputy Real Estate Commissioner

17 Dated at San Diego, California  
18 this 10<sup>th</sup> day of JANUARY, 2006.  
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