

FILED  
NOV 27 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

*In the Matter of the Application of*

WILLIAM JAMES MAXWELL IV,

Respondent

No. H- 3525 SAC

STIPULATION AND  
WAIVER

I, WILLIAM JAMES MAXWELL IV, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson 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 10, 2000, 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 she may in her 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

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson 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 her discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

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

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

15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:

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

20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 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 the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.

1     3. With the application for license, or with the application for transfer to a new employing broker, I  
2     shall submit a statement signed by the prospective employing broker on a form approved by the  
3     Department of Real Estate wherein the employing broker shall certify as follows:

4     a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5         restricted license; and

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

9     4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10     10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)  
11     months of the issuance of the restricted license, to submit evidence satisfactory to the  
12     Commissioner of successful completion, at an accredited institution, of two of the courses listed  
13     in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,  
14     advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the  
15     Department satisfactory evidence of successful completion of the two required courses, the  
16     restricted license shall be automatically suspended effective eighteen (18) months after the date  
17     of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted  
18     license, I have submitted the required evidence of course completion and the Commissioner has  
19     given written notice to me of the lifting of the suspension.

20     5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21     under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be  
22     entitled to the issuance of another license which is subject to Section 10153.4 until four years  
23     after the date of the issuance of the preceding restricted license.

24     DATED this 1st day of November, 2000.

25  
26                                     William J. Maxwell IV  
27                                     Respondent - WILLIAM JAMES MAXWELL IV

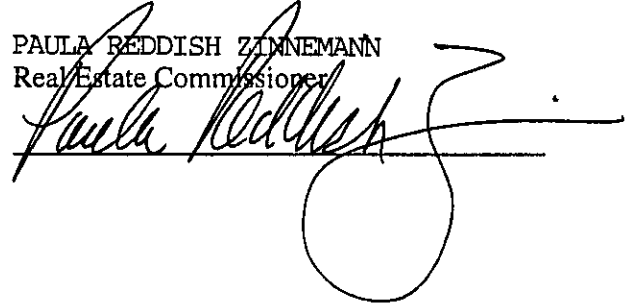
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
3 truthfulness of respondent need not be called and that it will not be inimical to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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
6 respondent WILLIAM JAMES MAXWELL IV if respondent has otherwise fulfilled all of the statutory  
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 20<sup>th</sup> day of November, 2000.

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13 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

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FILED  
SEP 27 2000

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

*In the Matter of the Application of*

WILLIAM JAMES MAXWELL IV,

}

Case No. H-3525 SAC

OAH No. N-2000090348

Respondent

**NOTICE OF HEARING ON APPLICATION**

*To the above named respondent:*

*You are hereby notified* that a hearing will be held before the Department of Real Estate at \_\_\_\_\_

The Office of Administrative Hearings, 560 J Street,

Suites 340/360, Sacramento, CA 95814

on October 25, 2000, at the hour of 10:00 AM,  
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 25, 2000

By

Thomas C. Lasken

THOMAS C. LASKEN

Counsel

1 THOMAS C. LASKEN, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED  
AUG 10 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of )  
13 WILLIAM JAMES MAXWELL IV, ) NO. H-3525 SAC  
14 Respondent. ) STATEMENT OF ISSUES  
15 )

16 The Complainant, Charles W. Koenig, a Deputy Real  
17 Estate Commissioner of the State of California, for Statement of  
18 Issues against WILLIAM JAMES MAXWELL IV (hereinafter  
19 "Respondent") alleges as follows:

20 I

21 Respondent, pursuant to the provisions of Section  
22 10153.3 of the Business and Professions Code, made application to  
23 the Department of Real Estate of the State of California for a  
24 real estate salesperson license on or about December 9, 1999,  
25 with the knowledge and understanding that any license issued as a  
26 result of said application would be subject to the conditions of  
27 Section 10153.4 of the Business and Professions Code.

1 II

2 Complainant, Charles W. Koenig, a Deputy Real Estate  
3 Commissioner of the State of California, makes this Statement of  
4 Issues in his official capacity.

5 III

6 On or about July 19, 1999, in the Superior Court of  
7 California, County of Solano, Respondent was convicted of a  
8 violation of Section 11360(b) of the California Health and Safety  
9 Code (Transportation of Marijuana), a crime involving moral  
10 turpitude which bears a substantial relationship under Section  
11 2910, Title 10, California Code of Regulations, to the  
12 qualifications, functions or duties of a real estate licensee.

13 IV

14 The crime of which Respondent was convicted, as alleged  
15 in Paragraph III above constitutes cause for denial of Respondent's  
16 application for a real estate license under Sections 480(a) and  
17 10177(b) of the California Business and Professions Code.

18 WHEREFORE, the Complainant prays that the above-  
19 entitled matter be set for hearing and, upon proof of the charges  
20 contained herein, that the Commissioner refuse to authorize the  
21 issuance of, and deny the issuance of, a real estate salesperson  
22 license to Respondent, and for such other and further relief as  
23 may be proper in the premises.

24   
25 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

26 Dated at Sacramento, California,  
27 this 25<sup>th</sup> day of July, 2000.