

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6

FILED

MAY - 9 2008.

DEPARTMENT OF REAL ESTATE

By R. Henry

7 **BEFORE THE DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9 * * *

10 *In the Matter of the Application of*)

NO. H-3803 SD

11)
12 DUSHAUN DONNEL FAIRLEY,)

STIPULATION AND WAIVER

13 Respondent.)
14)

14 I, DUSHAUN DONNEL FAIRLEY, respondent herein, do hereby affirm that I have applied to the
15 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I
16 have satisfied all of the statutory requirements for the issuance of the license, including the payment of
17 the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to
19 Respondent filed by the Department of Real Estate on April 16, 2008, in connection with my application
20 for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing
21 on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and
22 to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a
23 restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that
24 by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me
25 to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson
26 license. I further understand that by entering into this stipulation and waiver I will be stipulating that the
27

1 Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the
2 denial of the 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
4 and request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson
5 license to me under the authority of Section 10156.5 of the Business and Professions Code. I understand
6 that any such restricted license will be issued subject to and be limited by Section 10153.4 of the
7 Business and 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 Estate
21 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.
26
27

1 3. With the application for license, or with the application for transfer to a new employing broker,

2 I shall submit a statement signed by the prospective employing broker on a form approved by
3 the 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
13 listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
14 estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration
18 of the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent 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, Respondent shall not be entitled to renew the restricted license, and
22 shall not be entitled to the issuance of another license which is subject to Section 10153.4
23 until four years after the date of the issuance of the preceding restricted license.

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

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

3
4 April 22 2008
5 Dated

6
7 Dushaun D Fairley
8 DUSHAUN DONNEL FAIRLEY Respondent

9 ***

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

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

18 This Order is effective immediately.

19 IT IS SO ORDERED MAY 8, 2008

20 Jeff Davi
21 Real Estate Commissioner

22 By: Phillip Hill
23 Dolores Weeks by PHILLIP HILL
24 Southern Regional Manager

Flag

FILED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

APR 16 2008
DEPARTMENT OF REAL ESTATE
By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
DUSHAUN DONNEL FAIRLEY,)
Respondent.)
No. H-3803 SD
STATEMENT OF ISSUES

The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DUSHAUN DONNEL FAIRLEY (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about April 12, 2007, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about July 16, 1990, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 484/488 (Petty Theft) and Section 12025(A) (Carry Concealed Weapon in Vehicle) of the California Penal Code, misdemeanors involving moral turpitude and crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

On or about August 4, 2005, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 242 (Battery) and Section 647(F) (Disorderly Conduct) of the California Penal Code, misdemeanors involving moral turpitude and crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

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

///

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 salesperson
5 license to Respondent, and for such other and further relief as
6 may be proper under other provisions of law.

7 
8 PHILLIP WADE
Deputy Real Estate Commissioner

9 Dated at Los Angeles, California,
10 this 9th day of APRIL, 2008.