

FILED

MAY - 9, 2008.

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## STATE OF CALIFORNIA

No. H- 3808 SD

## STIPULATION AND WAIVER

Respondent

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 April 28, 2008, 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

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 requests that the Real Estate Commissioner in his 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.  
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- 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) months  
11      of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12      successful completion, at an accredited institution, of a course in real estate practices and one of  
13      the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14      real 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 of  
18      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 shall  
22      not be entitled to the issuance of another license which is subject to Section 10153.4 until four  
23      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 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.

3 5/5/08  
4 Dated

  
RICHARD JOSEPH HALE, Respondent

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

9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
10 respondent RICHARD JOSEPH HALE, if respondent has otherwise fulfilled all of the statutory  
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
12 the foregoing Stipulation and Waiver.

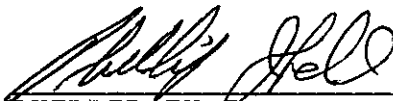
13 This Order is effective immediately.

14 IT IS SO ORDERED

MAY 8, 2008

16 JEFF DAVI  
REAL ESTATE COMMISSIONER

18 BY:

  
PHILLIP IHDE  
ACTING REGIONAL MANAGER

FILED

APR 28 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

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6  
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8

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Application of )  
12 ) No. H-3808 SD  
13 RICHARD JOSEPH HALE, )  
14 Respondent. )  
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The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RICHARD JOSEPH HALE (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 July 11, 2006, 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.

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1 II

2 Complainant, PHILLIP IHDE, 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 May 25, 1993, in the Superior Court, County  
7 of Contra Costa, Respondent was convicted of a violation of  
8 Section 484G (Theft by Use of Access Card Data), Section 484F(2)  
9 (Forge Name on Access Card), and Section 470 (Forgery) of the  
10 California Penal Code, misdemeanors and crimes involving moral  
11 turpitude which bear a substantial relationship under Section  
12 2910, Title 10, California Code of Regulations, to the  
13 qualifications, functions, or duties of a real estate licensee.

14 IV

15 The crimes of which Respondent was convicted, as  
16 alleged above, constitute cause for denial of Respondent's  
17 application for a real estate license under Sections 480(a) and  
18 10177(b) of the California Business and Professions Code.

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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 salesperson  
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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PHILLIP IHDE

Deputy Real Estate Commissioner

10 Dated at Los Angeles, California,  
11 this 21<sup>st</sup> day of APRIL, 2008.