

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Sacramento, CA 95818-7007

4 Telephone: (213) 576-6982

**FILED**

SEP 10 2008

DEPARTMENT OF REAL ESTATE

By K. M. M.

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11  
12 **MARTHA JANE GIBSON,**

13  
14 Respondent

)  
) No. H- 3844 SD

)  
) **STIPULATION AND**  
) **WAIVER**

15 I, MARTHA JANE GIBSON, Respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

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

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 (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
27 to the Department a fax copy of her 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 8-25-08

4 Dated

5 *Martha Jane Gibson*  
6 MARTHA JANE GIBSON, Respondent

7 \* \* \*

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

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
13 Respondent MARTHA JANE GIBSON, if Respondent has otherwise fulfilled all of the statutory  
14 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
15 the foregoing Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED

18 *September 4, 2008*

19 Jeff Davi  
20 Real Estate Commissioner

21 By: *Dolores Weeks*  
22 Dolores Weeks, Regional Manager

FILED

JUL 23 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)  
7  
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of  
13 MARTHA JANE GIBSON,  
14 Respondent.

15 ) No. H- 3844 SD  
16 )  
17 ) STATEMENT OF ISSUES  
18 )

19 The Complainant, Phillip Ihde, a Real Estate Manager of  
20 the State of California, for Statement of Issues against MARTHA  
21 JANE GIBSON (hereinafter "Respondent") alleges as follows:

22 I

23 Respondent made application to the Department of Real  
24 Estate of the State of California for a real estate salesperson  
25 license on or about August 29, 2007 with the knowledge and  
26 understanding that any license issued as a result of said  
27 application would be subject to the conditions of Section 10153.4  
of the California Business and Professions Code.

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II

Complainant makes this Statement of Issues in his official capacity.

III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law? If yes, complete #27 below." Respondent answered "YES".

IV

In response to #27, which asked for an explanation of items 24 - 26, Respondent failed to reveal the convictions discussed in Paragraphs V through IX below.

V

On or about May 16, 1966, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violation California Penal Code Section 484/490.5 (Shoplifting), a misdemeanor and a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations (hereinafter the "Regulations") to the qualifications, functions or duties of a real estate licensee.

VI

On or about October 13, 1966, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violation California Penal Code Section 476a (Making, Drawing or Passing Worthless Check, Draft, or Order), a misdemeanor and a crime involving moral turpitude which is substantially related under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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VII

On or about August 24, 1967, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violation California Penal Code Section 476a (Making, Drawing or Passing Worthless Check, Draft, or Order), a misdemeanor and a crime involving moral turpitude which is substantially related under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

VIII

On or about April 20, 1968, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violation California Penal Code Section 484/490.5 (Shoplifting), a misdemeanor and a crime involving moral turpitude which is substantially related under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

IX

On or about May 1, 1968, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violation California Penal Code Section 484/490.5 (Shoplifting), a misdemeanor and a crime involving moral turpitude which is substantially related under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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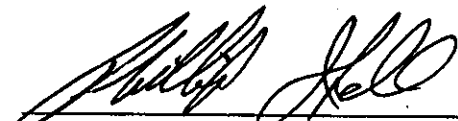
X

Respondent's failure to reveal the convictions as set forth in Paragraphs V through IX above in said application constitute the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Section 10177(a) of the California Business and Professions Code (hereinafter the "Code").

XI

Respondent's criminal convictions, as alleged in Paragraphs V through IX above constitute cause for denial of Respondent's application for a real estate license under Section 10177(b) of the Code, in conjunction with Section 480(a) of the Code.

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

  
Phillip Ihde  
Real Estate Manager

Dated at Los Angeles, California,  
this 27<sup>th</sup> day of July, 2008.