

FILED
DEC 17 2003

DEPARTMENT OF REAL ESTATE

By *Katherine Gutierrez*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

NATHAN JAMES NEWSOM,
Respondent

)
) No. H- 3865 SAC
)
) **STIPULATION AND**
) **WAIVER**
)

It is hereby stipulated by and between NATHAN JAMES NEWSOM (hereinafter "Respondent") and Respondent's attorney, Edgardo Gonzalez, and the Complainant, acting by and through Larry A. Alamao, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on August 26, 2003, in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meet all the requirements for issuance of a real estate salesperson license. Respondent further understands that by entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner

1 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
2 to Respondent of an unrestricted real estate salesperson license.

3 Respondent hereby admits that the allegations of the Statement of Issues filed against
4 Respondent are true and correct and requests that the Real Estate Commissioner in her discretion issue a
5 restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the
6 Business and Professions Code. Respondent understands that any such restricted license will be issued
7 subject to and be limited by Section 10153.4 of the Business and Professions Code.

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

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

- 16 1. The license shall not confer any property right in the privileges to be exercised
17 including the right of renewal, and the Real Estate Commissioner may by appropriate
18 order suspend the right to exercise any privileges granted under this restricted license
19 in the event of:
- 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
21 which bears a substantial relationship to Respondent's fitness or capacity as a
22 real estate licensee; or
 - 23 b. The receipt of evidence that Respondent has violated provisions of the
24 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
25 Estate Commissioner, or conditions attaching to this restricted license.
- 26 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
27 license nor the removal of any of the conditions, limitations or restrictions attaching to

1 the restricted license until two years have elapsed from the date of issuance of the
2 restricted license to Respondent.

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

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

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

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

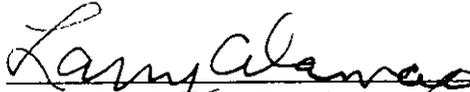
25 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an
26 unqualified license under Section 10153.4, Respondent shall not be entitled to renew
27 the restricted license, and shall not be entitled to the issuance of another license which

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is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

12/10/03

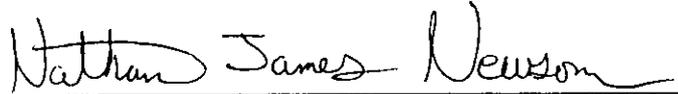
Dated


LARRY A. ALAMO, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

11-24-03

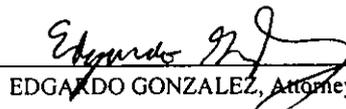
Dated


NATHAN JAMES NEWSOM, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

11-24-03

Dated


EDGARDO GONZALEZ, Attorney for Respondent

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, 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 December 16, 2003.

JOHN R. LIBERATOR
Chief Deputy Commissioner



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

FILED
OCT - 8 2003

DEPARTMENT OF REAL ESTATE

By *Katherine Contreras*

In the Matter of the Application of

NATHAN JAMES NEWSOM,

}

Case No. H-3865 SAC

OAH No. N-2003100057

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, CALIFORNIA 95814**

on **DECEMBER 1, 2003**, at the hour of **9:00 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 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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: OCTOBER 7, 2003

DEPARTMENT OF REAL ESTATE
By *Larry Alamao*
LARRY A. ALAMA, Counsel

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II

Complainant, CHARLES W. KOENIG, 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 November 13, 2000, in the Superior Court, County of Placer, Respondent was convicted of a violation of Sections 243(e)(1) of the California Penal Code (Battery Against Spouse), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The crime 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.

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.



CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 31st day of July, 2003.