

FILED

DEPARTMENT OF REAL ESTATE

By K. Mar

STATE OF CALIFORNIA

No. H- 4037 SD

STIPULATION AND WAIVER

Respondent

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 he may in his 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 meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that

1 by entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate
2 Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial
3 of the issuance to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 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 including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:

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

21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.

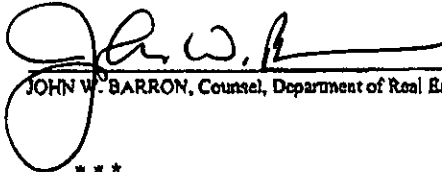
24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until five years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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

- a. That broker has read the Statement of Issues which is the basis for the issuance of the
restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted
licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Feb. 22, 2010

Dated


JOHN W. BARRON, 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

2/17/2010

Dated


DEBORAH VANCE, Respondent

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

3 2-17-10

4 Dated

FRANK M. BUDA, Attorney for Respondent

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, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
11 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
12 Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED

3/17/2010

16 Jeff Davi
Real Estate Commissioner

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1 JOHN W. BARRON, Counsel (SBN 171246)
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FILED

DEC - 3 2009

DEPARTMENT OF REAL ESTATE

By X Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Application of)
12)
13 DEBORAH VANCE,)
14)
15 Respondent.)

H-4037 SD

STATEMENT OF ISSUES

15 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
16 State of California, for Statement of Issues against DEBORAH VANCE, (hereafter
17 "Respondent"), is informed and alleges as follows:

18 1

19 Complainant makes this Statement of Issues against Respondent in his official
20 capacity.

21 2

22 Respondent made application to the Department of Real Estate of the State of
23 California for a real estate salesperson license on or about July 20, 2009.

24 3

25 On or about February 14, 2005, in United States District Court, Central District
26 of California, Case No. CR02-1245-AHS, Respondent was convicted of two (2) counts of
27 violating 18 United States Code 1341 (Mail Fraud), felonies and crimes that bear a substantial

1 relationship under Section 2910, Title 10, of the California Code of Regulations (hereafter "the
2 Code"), to the qualifications, functions or duties of a real estate licensee.

3
4 4

5 Respondent's criminal conviction, described in Paragraph 3, above, constitutes
6 cause for denial of Respondent's application for a real estate salesperson license pursuant to the
7 provisions of Section 480(a) and 10177(b) of the Code.

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

13
14 
JOSEPH AIU
Deputy Real Estate Commissioner

15 Dated at San Diego, California,
16 this 13 day of November, 2009.