

FILED

MAR - 9 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

1 Department of Real Estate
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3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789
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7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 *In the Matter of the Application of*

11 DANIEL WELLS CONLEY
12
13

14 Respondent

) No. H- 4047 SD
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STIPULATION AND
WAIVER

15 I, DANIEL WELLS CONLEY, 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 December 15, 2009, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 until
25 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 for
8 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.

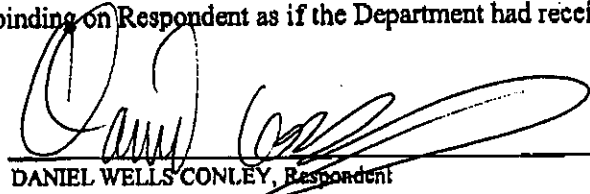
20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
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 to
27 the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of

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 1/13/10

4 Dated


DANIEL WELLS CONLEY, 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.

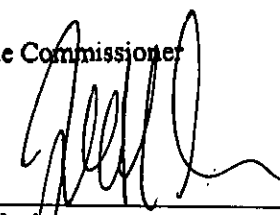
9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
10 Respondent DANIEL WELLS CONLEY if Respondent has otherwise fulfilled all of the statutory
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified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

13 This Order is effective immediately.

14 IT IS SO ORDERED

3/3/2010

16 Jeff Davi
17 Real Estate Commissioner

18 
19 Dolores Weeks
20 Southern Regional Manager

1 ANGELA L. CASH, Counsel
2 State Bar No. 230882
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789
7 -or- (916) 227-0805 (Direct)

FILED

DEC 15 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13)

14 DANIEL WELLS CONLEY,)

15 Respondent.)

No. H- 4047 SD

STATEMENT OF ISSUES

16
17 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
18 State of California (hereinafter "Complainant"), for Statement of Issues against DANIEL
19 WELLS CONLEY (hereinafter "Respondent"), is informed and alleges as follows:

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21 Complainant makes this Statement of Issues in his official capacity.

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23 Respondent made application to the Department of Real Estate of the State of
24 California for a real estate salesperson license on approximately August 27, 2008.

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On approximately September 21, 1995, in the Circuit Court of Fairfax County, State of Virginia, Respondent was convicted of a violation of Virginia Code Section 18.2-266 (Driving While Intoxicated), a misdemeanor which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (hereinafter "Regulations") to the qualifications, functions, or duties of a real estate licensee.

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On approximately March 6, 2000, in the Circuit Court of Fairfax County, State of Virginia, Respondent was convicted of a violation of Virginia Code Section 18.2-248.1 (Distribution of Marijuana), a felony which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate licensee.

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On approximately July 17, 2001, in the Superior Court of California, County of Sacramento, case number 01F01253, Respondent was convicted of a violation of California Health and Safety Code Section 11350(a) (Possession of Controlled Substance), a felony which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate licensee.

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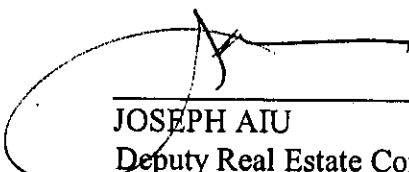
On approximately January 24, 2006, in the Superior Court, County of Sacramento, Respondent was convicted of a violation of California Vehicle Code Section 23103.5 (Reckless Driving), a misdemeanor which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate licensee.

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The crimes of which Respondent was convicted, as alleged above, constitute 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.

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

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 JOSEPH AIU
 Deputy Real Estate Commissioner

9 Dated at San Diego, California,
10 this 17 day of December 2009.
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