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OCT 12 2004

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
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DEPARTMENT OF REAL ESTATE

By Amel Shamon

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

CRAIG CLAYTON GILMORE

Respondent

)
) No. H- 4093 SAC
)
)
) STIPULATION AND
) WAIVER
)
)
)
)

I, CRAIG CLAYTON GILMORE, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

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 September 2, 2004, 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 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.

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

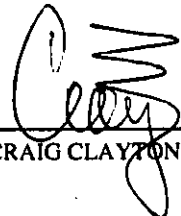

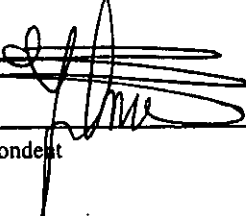
11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

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

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
8 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
9 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
11 the original signed Stipulation and Waiver.

12
13 09-09-2004
14 Dated

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14 CRAIG CLAYTON GILMORE, Respondent

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SEP 10 2004
SAFETY FROM COUNTER

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 CRAIG CLAYTON GILMORE 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

Sept. 27, 2004


JOHN E. LIBERATOR
Acting Real Estate Commissioner

RECEIVED
Dept. of Public Safety
SEP 27 2004
CAUTION FROM COUNCIL

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
SEP - 2 2004

DEPARTMENT OF REAL ESTATE

By *Anna Shaver*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 CRAIG CLAYTON GILMORE,) No. H-4093 SAC
13 Respondent.) STATEMENT OF ISSUES

14
15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against CRAIG CLAYTON GILMORE (hereinafter "Respondent"),
18 is informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about March 24, 2004.

23 II

24 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

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III

On or about April 12, 1983, in the Superior Court, County of San Joaquin, Respondent was convicted of a violation of Section 496 of the California Penal Code (Receiving Stolen Property), 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

On or about October 15, 1993, in the Superior Court, County of San Joaquin, Respondent was convicted of a violation of Section 415(1) of the California Penal Code (Disturbing the Peace), 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.

V

The crimes of which Respondent was convicted, as alleged in paragraphs III and IV, 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.

VI

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about July 24, 2001.

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1 VII

2 In response to Question 25 of said application, to wit:
3 "Have you ever been convicted of any violation of law?",
4 Respondent answered "No".

5 VIII

6 Effective September 18, 2002 in Case No. H-3656 SAC
7 before the State of California Department of Real Estate, the
8 application of Respondent, CRAIG CLAYTON GILMORE for a real
9 estate salesperson license was denied for violation of Section
10 480(c) and 10177(a) of the California Business and Professions
11 Code.

12 IX

13 Respondent's failure to reveal the conviction set forth
14 in paragraph III and IV, above, in the July 24, 2001 application
15 constitutes the procurement of a real estate license by fraud,
16 misrepresentation, or deceit, or by making a material
17 misstatement of fact in said application, which failure is cause
18 for denial of Respondent's application for a real estate license
19 under Sections 480(c) and 10177(a) of the California Business and
20 Professions Code.

21 PRIOR PROCEEDINGS

22 X

23 Effective September 18, 2002, in Case No. H-3656 SAC
24 before the State of California Department of Real Estate, the
25 application of Respondent for a real estate salesperson license
26 was denied for violation of Sections 480(a), 480(c), 10177(a),
27 and 10177(b) of the Code.

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.

7
8 
9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 2nd day of August, 2004.