

ORIGINAL

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED
MAY 06 2005

DEPARTMENT OF REAL ESTATE

By A. Ee

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

DERRICK MARCEL MOORE,

Respondent

No. H- 4223 SAC

STIPULATION AND
WAIVER

I, DERRICK MARCEL MOORE, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker 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 February 18, 2005, in connection with my application for a real estate broker 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 broker 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 broker license. I further understand that

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

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
5 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
6 under the authority of Section 10156.5 of the Business and Professions Code.

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

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

14 1. The license shall not confer any property right in the privileges to be exercised and the Real
15 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
16 granted under this restricted license in the event of:

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

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

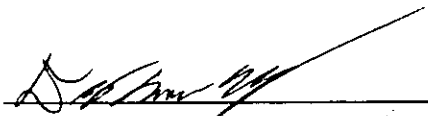
22 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
23 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
24 until two years have elapsed from the date of issuance of the restricted license to respondent.

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
26 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
27 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4
5 4/18/05

6 Dated

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8 DERRICK MARCEL MOORE, Respondent

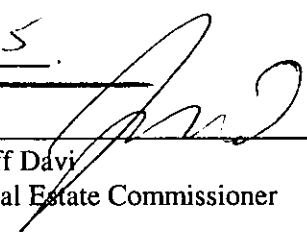
9 * * *

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

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
15 respondent DERRICK MARCEL MOORE if respondent has otherwise fulfilled all of the statutory
16 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
17 the foregoing Stipulation and Waiver.

18 This Order is effective immediately.

19 IT IS SO ORDERED 5-3-05

20 
21 Jeff Davis
22 Real Estate Commissioner
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1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
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7 Telephone: (916) 227-0789
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FILED
FEB 18 2005

DEPARTMENT OF REAL ESTATE

By See

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
DERRICK MARCEL MOORE,) No. H-4223 SAC
Respondent.) STATEMENT OF ISSUES

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DERRICK MARCEL MOORE, (hereinafter "Respondent"), is informed and alleges as follows:

I

On or about May 13, 2004, Respondent made application to the Department of Real Estate of the State of California for a real estate broker license.

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.

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1 III

2 On or about April 18, 2002, in the Superior Court,
3 County of Sacramento, State of California, Respondent was
4 convicted of a violation of Section 240 of the California Penal
5 Code (Assault), a crime involving moral turpitude and/or a crime
6 which bears a substantial relationship under Section 2910, Title
7 10, California Code of Regulations, to the qualifications,
8 functions, or duties of a real estate licensee.

9 IV

10 **PRIOR DISCIPLINARY ACTION**

11 On March 19, 2004, effective April 19, 2004, in Case
12 No. H-3903 SAC, the Real Estate Commissioner revoked the real
13 estate salesperson license of Respondent for violations of
14 Sections 490 and 10177(b) of the Code.

15 V

16 The crime of which Respondent was convicted, as alleged
17 above, constitutes cause for denial of Respondent's application
18 for a real estate license under Sections 480(a) and/or 10177(b)
19 of the California Business and Professions Code.

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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 broker
5 license to Respondent, and for such other and further relief as
6 may be proper under other provisions of law.

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9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 17th day of February 2005.
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