

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

4 Telephone: (916) 227-0789

FILED

OCT. 24 2011

DEPARTMENT OF REAL ESTATE
By R. MAI

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8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10
11 *In the Matter of the Application of*

12 DAVID CRAIG STONE,

13 Respondent.

) No. H-4228 SD

) **STIPULATION**
) **AND WAIVER**

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16 It is hereby stipulated by and between DAVID CRAIG STONE (hereinafter
17 "Respondent"), and the Complainant, acting by and through ANNETTE E. FERRANTE, Counsel
18 for the Department of Real Estate, as follows for the purpose of settling and disposing of the
19 Statement of Issues filed on August 22, 2011, in this matter:

20 Respondent acknowledges that Respondent has received and read the Statement of
21 Issues and the Statement to Respondent filed by the Department of Real Estate in connection with
22 Respondent's application for a real estate salesperson license. Respondent understands that the
23 Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of
24 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
25 therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real
26 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands

1 that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the
2 burden to Respondent to make a satisfactory showing that Respondent meets all the requirements
3 for issuance of a real estate salesperson license. Respondent further understands that by entering
4 into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
5 has found that Respondent has failed to make such a showing, thereby justifying the denial of the
6 issuance to Respondent of an unrestricted real estate salesperson license.

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

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

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

- 21 1. The license shall not confer any property right in the privileges to be
22 exercised including the right of renewal, and the Real Estate Commissioner may by
23 appropriate order suspend the right to exercise any privileges granted under this
24 restricted license in the event of:

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

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

8 2. Respondent shall not be eligible to apply for the issuance of an unrestricted
9 real estate license nor the removal of any of the conditions, limitations, or
10 restrictions attaching to the restricted license until two (2) years have elapsed from
11 the date of issuance of the restricted license to Respondent.

12 3. Respondent shall notify the Commissioner in writing within 72 hours of any
13 arrest by sending a certified letter to the Commissioner at the Department of Real
14 Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set
15 forth the date of Respondent's arrest, the crime for which Respondent was arrested
16 and the name and address of the arresting law enforcement agency. Respondent's
17 failure to timely file written notice shall constitute an independent violation of the
18 terms of the restricted license and shall be grounds for the suspension or revocation
19 of that license.

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

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

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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.

10/24/11

Dated



ANNETTE E. FERRANTE, Counsel,
Department of Real Estate

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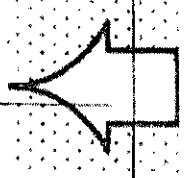
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I have read the Stipulation and Waiver and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 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 Respondent's 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.

8/23/11
Dated


DAVID CRAIG STONE, Respondent



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2 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
3 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as
4 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to
5 the public interest to issue a restricted real estate salesperson license to Respondent.
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7 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
8 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for
9 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the
10 foregoing Stipulation and Waiver.

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12 This Order is effective immediately.

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14 IT IS SO ORDERED 10/24/2011

15
16 BARBARA J. BIGBY,
17 Acting Real Estate Commissioner

18
19 

20 By WAYNE S. BELL
21 Chief Counsel


FILED

August 22, 2011

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789
-or- (916) 227-0788 (Direct)
5 Fax: (916) 227-9458

By 

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10 BEFORE THE
11 DEPARTMENT OF REAL ESTATE
12 STATE OF CALIFORNIA

13 * * *

14 In the Matter of the Application of)
15 DAVID CRAIG STONE,) No. H-4228 SD
16 Respondent.) STATEMENT OF ISSUES
17)

18 The Complainant, JOSEPH AIU, in his official capacity as a Deputy Real Estate
19 Commissioner of the State of California (hereinafter "Complainant"), for Statement of Issues
20 against DAVID CRAIG STONE (hereinafter "Respondent"), alleges as follows:

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22 On or about September 14, 2010, Respondent made application to the State of
23 California Department of Real Estate (hereinafter "the Department") for a real estate salesperson
24 license.

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26 In response to Question 1 of Part D of said application, to wit: "Have you ever
27 been convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section

1 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a
2 misdemeanor or felony," Respondent concealed and failed to disclose the conviction described in
3 Paragraph 3, below.

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5 On or about June 20, 1986, in a District Court of the State of Pennsylvania,
6 Respondent was convicted of violating Section CC3929 of the Pennsylvania Crimes Code (Retail
7 Theft), a misdemeanor, and a crime which bears a substantial relationship under Section 2910,
8 Title 10, of the California Code of Regulations (hereinafter "the Regulations"), to the
9 qualifications, functions, or duties of a real estate licensee.

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11 Respondent's failure to reveal in his application for a real estate salesperson
12 license the conviction identified in Paragraph 3, above, constitutes the procurement of or attempt
13 to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material
14 misstatement of fact in said application, which failure is cause for denial of Respondent's
15 application for a real estate salesperson license pursuant to the provisions of Sections 480(c)
16 (Denial of License by Board - False Statement of Fact on Application) and 10177(a)
17 (Further Grounds for Disciplinary Action - Attempted Procurement of License by
18 Fraud/Misrepresentation/Deceit/Material Misstatement) of the California Business and
19 Professions Code (hereinafter "the Code").

20 5


21 The facts alleged in Paragraph 3, above, constitute cause for denial of
22 Respondent's application for a real estate license under Sections 480(a) (Denial of License by
23 Board - Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
24 Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

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1 WHEREFORE, 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 the provisions of the
5 law.

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9 _____
 JOSEPH AIU
 Deputy Real Estate Commissioner

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11 Dated at San Diego, California,
12 this 18 day of August, 2011.

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