

FILED

FEB 27 2012

Department of Real Estate
BY: [Signature]

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

4 Telephone: (916) 227-0789
5
6
7

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

10 * * *

11 *In the Matter of the Application of*

12 JAMES EDWARD RITTER,

14 Respondent.

) No. H- 4241 SD
)
)

) OAH NO. 2011110516
)

) **STIPULATION AND WAIVER**
)

15 I, JAMES EDWARD RITTER, Respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate broker license and that to the best of my knowledge I
17 have satisfied all of the statutory requirements for the issuance of the license, including the payment
18 of the fee therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to
20 Respondent filed by the Department of Real Estate on October 19, 2011, in connection with my
21 application for a real estate broker license. I understand that the Real Estate Commissioner may
22 hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty
23 and truthfulness and to prove other allegations therein, or that she may in her discretion waive the
24 hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I
25 also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is
26 shifting the burden to me to make a satisfactory showing that I meet all the requirements for
27 issuance of a real estate broker license. I further understand that by entering into this stipulation

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

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and
5 correct and request that the Real Estate Commissioner in her discretion issue a restricted real estate
6 broker license to me 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
8 accepted by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity
9 to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate broker license. I am not waiving my right to a hearing and to further proceedings to
11 obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the
12 Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a
14 restricted 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 and the
16 Real Estate Commissioner may by appropriate order suspend the right to exercise any
17 privileges granted under this restricted license in the event of:
 - 18 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
19 bears a substantial relationship to Respondent's fitness or capacity as a real estate
20 licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California
22 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
23 Commissioner, or conditions attaching to this restricted license.
- 24 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
25 removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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

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

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1/18/12

Dated



JAMES EDWARD RITTER, Respondent

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 broker license to Respondent.

///

///

///

///

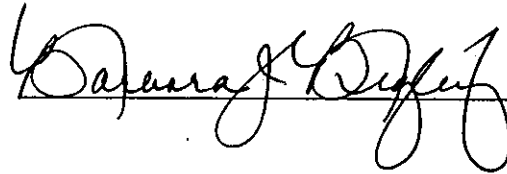
///

1 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
2 Respondent JAMES EDWARD RITTER if Respondent has otherwise fulfilled all of the statutory
3 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as
4 specified in the foregoing Stipulation and Waiver.

5 This Order is effective immediately.

6 IT IS SO ORDERED 2/17/12

7 Barbara J. Bigby
8 Acting Real Estate Commissioner
9

10 
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED
OCT 19 2011

DEPARTMENT OF REAL ESTATE
By R. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JAMES EDWARD RITTER,) NO. H-4241 SD
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, JOSEPH AIU, in his official capacity as a Deputy Real Estate
16 Commissioner of the State of California, for this Statement of Issues against JAMES
17 EDWARD RITTER, also known as "James Edward Ritter, II" and "Jim Ritter" (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 Respondent is presently licensed and/or has license rights under the Real Estate
21 Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "Code") as a real
22 estate salesperson.

23 2

24 On or about March 21, 2011, Respondent made application to the Department
25 of Real Estate (hereinafter "Department") of the State of California for a real estate broker
26 license.

27 ///

3

In response to Question 19 of said application, to wit: "Have you ever been convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a misdemeanor or felony," Respondent concealed and failed to disclose the conviction described in Paragraph 4, below.

4

On or about September 19, 2002, in the Superior Court of the State of California, County of Tulare, in Case No. CRF02966262, Respondent was convicted of violating Section 487(a) of the California Penal Code (Grand Theft of Property Exceeding \$400), a misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5

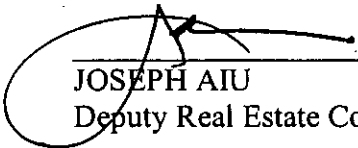
Respondent's failure to reveal in his application for a real estate broker license the conviction identified in Paragraph 4, above, constitutes the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate broker license pursuant to the provisions of Sections 480(c) (False Statement of Fact on Application) and 10177(a) (Attempted Procurement of License by Fraud/Misrepresentation/Deceit/Material Misstatement) of the Code.

6

The facts alleged in Paragraph 4, above, constitute cause for denial of Respondent's application for a real estate broker license under Sections 480(a) (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

///

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

5
6
7 
8 JOSEPH AIU
Deputy Real Estate Commissioner

9 Dated at San Diego, California,

10 this 12 day of September, 2011.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27