

1 Department of Real Estate
2 2201 Broadway
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
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6
7 Telephone: (916) 227-0789

FILED

APR 26 2012

DEPARTMENT OF REAL ESTATE
By R. Mal

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

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11
12 *In the Matter of the Application of*

13 BRANDON MICHAEL BLUM,
14
15 Respondent.

)
)
) DRE No. H-4248 SD

)
) **STIPULATION AND WAIVER**
)

16 I, BRANDON MICHAEL BLUM, Respondent herein, do hereby affirm that I have
17 applied to the Department of Real Estate for a real estate broker license and that to the best of my
18 knowledge I have satisfied all of the statutory requirements for the issuance of the license, including
19 the payment of the fee therefore.

20 I acknowledge that I have received and read the Statement of Issues and the
21 Statement to Respondent filed by the Department of Real Estate on November 9, 2011, in
22 connection with my application for a real estate broker license. I understand that the Real Estate
23 Commissioner may hold a hearing on this Statement of Issues for the purposes of requiring further
24 proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her
25 discretion waive the hearing and grant me a restricted real estate broker license based upon this
26 Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the
27 Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet

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

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

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

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

- 17 1. The license shall not confer any property right in the privileges to be
18 exercised, including the right of renewal, and the Real Estate Commissioner may by
19 appropriate order suspend the right to exercise any privileges granted under this
20 restricted license in the event of:
 - 21 a. Respondent's conviction (including a plea of nolo contendere) of a crime
22 which bears a substantial relationship to Respondent's fitness or capacity as a real
23 estate licensee; or
 - 24 b. The receipt of evidence that Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner or conditions attaching to this restricted license.

27 ///

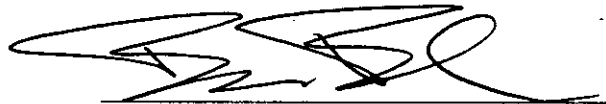
2. I shall not be eligible to apply for the issuance of an unrestricted real estate broker license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent.

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

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 his 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.

3-2-12

Dated



BRANDON MICHAEL BLUM
Respondent

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Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent BRANDON MICHAEL BLUM 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.

IT IS SO ORDERED 4/23/2012.

By WAYNE S. BELL
Chief Counsel

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4 Sacramento, CA 95818-7007

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FILED

NOV - 9 2011

DEPARTMENT OF REAL ESTATE
By *R. Mas*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Application of)
12) No. H-4248 SD
13 BRANDON MICHAEL BLUM,)
14 Respondent.) STATEMENT OF ISSUES
15

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

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20 The Complainant makes this Statement of Issues in his official capacity.

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22 Respondent made application to the Department of Real Estate of the State of
23 California for a real estate broker license on or about July 28, 2011.

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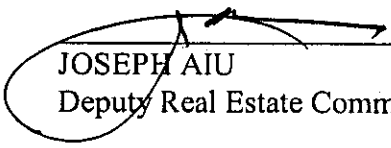
25 On or about June 22, 2011, Respondent checked-in to take the real estate
26 broker's examination. Instructions were given to examinees to have all cell phones turned-off
27 and placed onto a designated table with other personal belongings. Respondent failed to follow

1 those instructions. During the morning session of the examination, Respondent checked out for
2 a break and was away from the examination room for 11 minutes. Respondent later confirmed
3 that he had in his possession his cell phone and study notes while he was on the break.

4 4

5 The acts and/or omissions of Respondent described in Paragraph 3, above,
6 constitutes cause for denial of Respondent's application for a real estate broker license pursuant
7 to the provisions of Sections 123(b) (subversion of exam) and 496 (examination security) of
8 Title 10, California Code of Regulations, and Section 10177(d) (willful violation of real estate
9 law) of the Code.

10 WHEREFORE, Complainant prays that the above-entitled matter be set for
11 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
12 authorize the issuance of, and deny the issuance of, a real estate broker license to Respondent,
13 and for such other and further relief as may be proper under the provisions of the law.

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16 
17 JOSEPH AIU
18 Deputy Real Estate Commissioner

18 Dated at San Diego, California,
19 this 8 day of September, 2011.
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