

1 Department of Real Estate
 2 P.O. Box 187007
 3 Sacramento, CA 95818-7007
 4 Telephone: (916) 227-0789
 5
 6

FILED
 DEC - 1 2005

DEPARTMENT OF REAL ESTATE

By H. Zinn

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

10 *In the Matter of the Application of*

11 DONALD R. HURT

12
 13 Respondent
 14

) No. H- 4362 SAC
)
)
)

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

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

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
 19 filed by the Department of Real Estate on October 4, 2005, in connection with my application for a real
 20 estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement
 21 of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
 22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
 23 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
 24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
 25 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
 26 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
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1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker 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 broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 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 and the Real
14 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
15 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 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3
4 10-26-05

5 Dated

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7 
8 DONALD R. HURT, 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 DONALD R. HURT if respondent has otherwise fulfilled all of the statutory requirements for
16 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
17 Stipulation and Waiver.

18 This Order is effective immediately.

19 IT IS SO ORDERED

20 11-26-05

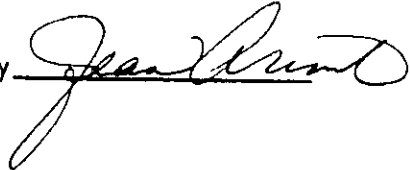
21 
22 Jeff Davis
23 Real Estate Commissioner

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FILED

OCT 04 2005

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 DONALD R. HURT,)
13 Respondent.)

No. H-4362 SAC

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 DONALD R. HURT (hereinafter "Respondent"), is
18 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 broker
22 license on or about October 26, 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

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

IV

On or about January 14, 1991, in the Superior Court, County of San Mateo, Respondent was convicted of a violation of Section 11351.5 (Possession for Sale of Rock Cocaine) of the California Health and Safety Code, 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

On or about June 2, 1992, in the Superior Court, County of San Francisco (case #135010), Respondent was convicted of a violation of Section 11351 (Possession for Sale of a Narcotic) of the California Health and Safety Code, 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.

VI

On or about June 2, 1992, in the Superior Court, County of San Francisco (case #145341), Respondent was convicted of a violation of Section 212.5(b) (Robbery, 2nd degree) of the California Penal Code and Section 10851(a) (Auto Theft) of the

1 California Vehicle Code, crimes involving moral turpitude which
2 bears a substantial relationship under Section 2910, Title 10,
3 California Code of Regulations, to the qualifications, functions,
4 or duties of a real estate licensee.

5 VII

6 On or about September 14, 1992, in the Superior Court,
7 County of Contra Costa, Respondent was convicted of a violation
8 of Section 211-212.5(b) of the California Penal Code (Robbery), a
9 crime involving moral turpitude which bears a substantial
10 relationship under Section 2910, Title 10, California Code of
11 Regulations, to the qualifications, functions, or duties of a
12 real estate licensee.

13 VIII

14 On or about September 29, 1992, in the Superior Court,
15 County of Contra Costa, Respondent was convicted of a violation
16 of Section 11352(a) (Sale or Transportation of Narcotic), Section
17 11351 (Possession for Sale of a Narcotic), and Section 11351.5
18 (Possession for Sale of Rock Cocaine) of the California Health
19 and Safety Code, crimes involving moral turpitude which bears a
20 substantial relationship under Section 2910, Title 10, California
21 Code of Regulations, to the qualifications, functions, or duties
22 of a real estate licensee.

23 IX

24 The crimes of which Respondent was convicted, as
25 alleged above, constitute cause for denial of Respondent's
26 application for a real estate license under Sections 480(a) and
27 10177(b) of the California Business and Professions Code.

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Effective February 28, 2005, in Case No. H-3534 SAC before the State of California Department of Real Estate, the application of Respondent for a real estate salesperson license was denied, but the right to a restricted real estate salesperson license was granted, for violation of Sections 480(a), and 10177(b) of the Code.

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Dated at Sacramento, California,
this 4th day of October, 2005.