

1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

FILED

DEC 03 2013

4 Telephone: (213) 576-6982

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

12 BILL MARC O'BRIEN)

13 Respondent.)

No. H- 4541 SD

STIPULATION AND

WAIVER

(B&P 10100.4)

15
16 I, BILL MARC O'BRIEN, ("Respondent") do hereby affirm that I have applied to the
17 Bureau of Real Estate for a real estate salesperson license, and that to the best of my knowledge I
18 have satisfied all of the statutory requirements for the issuance of the license, including, but not
19 limited to, the payment of the fee therefor.

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
21 Real Estate Commissioner has found grounds that justify the denial of the issuance of an
22 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the
23 issuance of an unrestricted real estate salesperson license to me pursuant to California Business
24 and Professions Code Section 10177(f) for the following license discipline by the California
25 Contractors State License Board: (1) on or about December 15, 1995, Respondent's contractor
26 license was revoked for noncompliance with an arbitration award (#AS 1993-378); and (2) on or
27 about December 5, 2002, Respondent's contractor license was suspended for violating California

1 Business and Professions Code Sections 7030(a) (failure to provide owner with specified notice),
2 7030(b) (failure to provide with specified notice), 7109(a) (willful departure in material respect
3 from accepted trade standards), 7113 (failure in material respect to complete project for price
4 stated in contract), and 7117(a) (false use of business name).

5 I hereby request that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to me under the authority of California Business and Professions Code
7 Sections 10100.4 and 10156.5. I understand that any such restricted license will be issued
8 subject to the provisions of and limitations of California Business and Professions Code Sections
9 10156.6 and 10156.7.

10 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation
11 and Waiver is accepted and signed by the Real Estate Commissioner, the Real Estate
12 Commissioner will not file a Statement of Issues based on the grounds herein, and I am waiving
13 my right to a hearing and the opportunity to present evidence at the hearing to establish my
14 rehabilitation in order to obtain an unrestricted real estate salesperson license.

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

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

21 a. The conviction of respondent (including a plea of nolo contendere) to a crime
22 that 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 license

1 nor the removal of any of the conditions, limitations, or restrictions attaching to the
2 restricted license until two (2) years have elapsed from the date of issuance of the
3 restricted license to Respondent.

4 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest
5 by sending a certified letter to the Real Estate Commissioner at the Bureau of Real
6 Estate, Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set
7 forth the date of Respondent's arrest, the crime for which Respondent was arrested,
8 and the name and address of the arresting law enforcement agency. Respondent's
9 failure to timely file written notice shall constitute an independent violation of the
10 terms of the restricted license and shall be grounds for the suspension or revocation
11 of that license.

12 4. With the application for license or with the application for transfer to a new
13 employing broker, I shall submit a statement signed by the prospective employing
14 broker on a form approved by the Bureau of Real Estate wherein the employing
15 broker shall certify as follows:

16 a. That broker has read the Stipulation and Waiver which is the basis for the
17 issuance of the restricted license; and

18 b. That broker will carefully review all transaction documents prepared by the
19 restricted licensee and otherwise exercise close supervision over the licensee's
20 performance of acts for which a license is required.

21
22 10/30/2013
Dated

P. J. Lee
Counsel
Bureau of Real Estate

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24 5. I have read the Stipulation and Waiver, and its terms are understood by me and are
25 agreeable and acceptable to me. I understand that I am waiving rights given to me by
26 the California Administrative Procedure Act (including, but not limited to, California
27

1 Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I
2 willingly, intelligently, and voluntarily waive those rights, including, but not limited
3 to, the right to a hearing on a Statement of Issues at which I would have the right to
4 cross-examine witnesses against me and to present evidence in defense and
5 mitigation of the charges.

6 6. Respondent can signify acceptance and approval of the terms and conditions of this
7 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
8 Respondent, to the Bureau of Real Estate at the following telephone/fax number:
9 (213) 576-6917. Respondent agrees, acknowledges, and understands that by
10 electronically sending to the Bureau of Real Estate a fax copy of his/her actual
11 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy
12 by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
13 Real Estate had received the original signed Stipulation and Waiver.

14
15 Oct. 25, 2013
16 Dated

Bill Marc O'Brien
17 Bill Marc O'Brien, Respondent

18 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
19 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
20 Respondent need not be called and that it will not be inimical to the public interest to issue a
21 restricted real estate salesperson license to Respondent.

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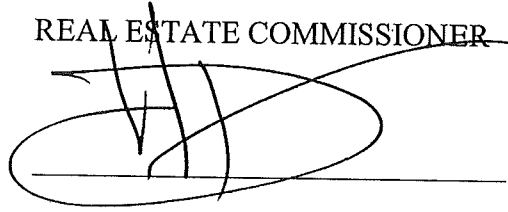
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Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
license be issued to Respondent Bill Marc O'Brien if Respondent has otherwise fulfilled all the
statutory requirements for licensure. The restricted salesperson license shall be limited,
conditioned and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED NOV 27 2013

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner