

1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

DEC - 4 2015

BUREAU OF REAL ESTATE

By 

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

11	<i>In the Matter of the Application of</i>)	No. H- 04737 SD
12	CYNTHIA ELAINE ENGELHARDT,)	OAH NO. 2015080812
13)	
14)	STIPULATION AND WAIVER
15	Respondent)	

16 It is hereby stipulated by and between CYNTHIA ELAINE ENGELHARDT (hereinafter
17 "Respondent") and Respondent's attorney, Nicole Irmer, and the Complainant, acting by and through Steve
18 Chu, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the
19 Statement of Issues filed on July 23, 2015, in this matter:

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

1 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by
2 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
3 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
4 to Respondent of an unrestricted real estate salesperson license.

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

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

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

1 license until two year(s) have elapsed from the date of issuance of the restricted license to
2 Respondent.


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

- 6 a. That broker has read the Statement of Issues which is the basis for the issuance of the
7 restricted license; and
8 b. That broker will carefully review all transaction documents prepared by the restricted
9 licensee and otherwise exercise close supervision over the licensee's performance of acts
10 for which a license is required.

11
12 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
13 certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137013,
14 Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime
15 for which Respondent was arrested and the name and address of the arresting law enforcement
16 agency. Respondent's failure to timely file written notice shall constitute an independent
17 violation of the terms of the restricted license and shall be grounds for the suspension or
18 revocation of that license.

19 10-29-2015

Dated


Steve Chu, Counsel, Bureau of Real Estate

20
21 * * *

22 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
23 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
24 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
25 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
26 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
27 witnesses against me and to present evidence in defense and mitigation of the charges.

1 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
 2 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax
 3 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
 4 to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of
 5 the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
 6 signed Stipulation and Waiver.

7 10/28/2015
 8 Dated

Cynthia Elaine Engelhardt
 CYNTHIA ELAINE ENGELHARDT, Respondent

9 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
 10 *accordingly.*

11 10/28/15
 Dated

Nicole Irmer
 Nicole Irmer, Attorney for Respondent

12 * * *

13 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
 14 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
 15 truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a
 16 restricted real estate salesperson license to Respondent.

17 Therefore, **IT IS HEREBY ORDERED** that a restricted real estate salesperson license be issued to
 18 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
 19 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
 20 Waiver.

21 This Order is effective immediately.

22 **IT IS SO ORDERED** _____

23 **WAYNE S. BELL**
 24 **REAL ESTATE COMMISSIONER**

25 _____
 26

1 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
2 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax
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4 to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of
5 the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
6 signed Stipulation and Waiver.

7 _____
8 Dated CYNTHIA ELAINE ENGELHARDT, Respondent

9 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
10 *accordingly.*

11 _____
12 Dated Nicole Irmer, Attorney for Respondent

13 * * *

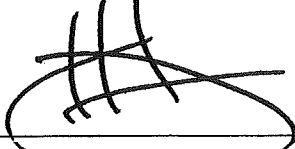
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19 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
20 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
21 Waiver.

22 This Order is effective immediately.

23 IT IS SO ORDERED DECEMBER 4, 2015

24 WAYNE S. BELL
25 REAL ESTATE COMMISSIONER

26 

27 By: JEFFREY MASON
Chief Deputy Commissioner