

**FILED**

**AUG 13 2018**

DEPARTMENT OF REAL ESTATE

By *Suzanne Danner*

1 Department of Real Estate  
2 320 W. 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of ) No. H-05008 SD  
12 ERIN DANIELLE MURPHY, )  
13 Respondent. ) STIPULATION AND WAIVER  
14 (B&P 10100.4)

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

19 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating  
20 that the Real Estate Commissioner has found grounds to justify the denial of the issuance of an  
21 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the  
22 issuance of an unrestricted real estate salesperson license to me pursuant to California Business  
23 and Professions Code ("Code") Sections 475(a)(2), 480(a)(1), and 10177(b) for the following  
24 convictions: (1) July 17, 2003: California Penal Code ("PC") Section 647(f), a misdemeanor  
25 (expunged); (2) July 18, 2001: California PC Section 487(b)(3), a felony (expunged); (3)  
26 December 13, 2012: California Vehicle Code ("VC") Sections 23152(a)/23538(b)(2) and  
27 23152(b)/23538(b)(2), misdemeanors; (4) May 25, 2010: California VC 23152(a)/23578 and

1 23152(b)/23540, misdemeanors; and (5) January 13, 2009: California VC 23152(a)/23578 and  
2 23152(b), misdemeanors. I also agree that there are grounds to deny the issuance of an  
3 unrestricted real estate salesperson license to me pursuant to Code Sections 475(a)(1), 480(c) and  
4 10177(a) for the non-disclosure of my July 17, 2003 and July 18, 2001 convictions on my real  
5 estate salesperson application.

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

10 I understand that by my signing of this Stipulation and Waiver, provided this  
11 Stipulation and Waiver is accepted and signed by the Real Estate Commissioner, the  
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 agree that by signing this Stipulation and Waiver, the conditions, limitations,  
16 and restrictions imposed on my restricted license, identified below, may be removed only by  
17 filing a Petition for Removal of Restrictions ("petition") with the Real Estate Commissioner, and  
18 that my petition must follow the procedures set forth in Government Code Section 11522.

19 I further understand that the restricted license issued to me shall be subject to all  
20 of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and  
21 restrictions imposed under authority of Section 10156.6 of the Code:

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

26 a. Respondent's conviction (including a plea of *nolo contendere*) of a  
27 crime that bears a substantial relationship to Respondent's fitness or

1 capacity as a real estate licensee; or

2 b. The receipt of evidence that Respondent has violated provisions of the  
3 California Real Estate Law, the Subdivided Lands Law, Regulations of the  
4 Real Estate Commissioner, or conditions attaching to this restricted  
5 license.

6 2. Respondent shall not be eligible to petition for the issuance of an unrestricted  
7 real estate license nor the removal of any of the conditions, limitations, or restrictions  
8 attaching to the restricted license until two (2) years have elapsed from the date of  
9 issuance of the restricted license to Respondent.

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

14 a. That broker has read the Decision which is the basis for the issuance of  
15 the restricted license; and

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

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

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10                    7-26-18

11                    \_\_\_\_\_  
                         Dated



12                    \_\_\_\_\_  
                         Julie L. To, Counsel  
                         Department of Real Estate

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14                    \* \* \*

15                    I have read the Stipulation and Waiver, and its terms are understood by me and  
16 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
17 California Administrative Procedure Act (including, but not limited to, California Government  
18 Code Sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and  
19 voluntarily waive those rights, including, but not limited to, the right to a hearing on a Statement  
20 of Issues at which I would have the right to cross-examine witnesses against me and to present  
21 evidence in defense and mitigation of the charges.

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23                    7/20/18  
24                    \_\_\_\_\_  
                         Dated

  
25                    \_\_\_\_\_  
                         ERIN DANIELLE MURPHY Respondent

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I have read 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 salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent ERIN DANIELLE MURPHY, if Respondent has otherwise fulfilled all of 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 August 3, 2018.

ACTING REAL ESTATE COMMISSIONER  
DANIEL J. SANDRI

*Daniel J. Sandri*