

**FILED**  
AUG 29 2018

DEPARTMENT OF REAL ESTATE

By *Angela Herrera*

1 Department of Real Estate  
2 320 W. 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-05009 SD
KELLY LEE TESSO,	)	<b>STIPULATION AND WAIVER</b>
Respondent.	)	(B&P 10100.4)

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

I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the Real Estate Commissioner has found grounds to justify the denial of the issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to deny the issuance of an unrestricted real estate salesperson license to me pursuant to California Business and Professions Code ("Code") Sections 475(a)(2), 480(a)(1), and 10177(b) for the following convictions: (1) March 11, 2002: California Penal Code ("PC") Section 182(a)(1), a felony (Certificate of Rehabilitation, September 7, 2017); (2) October 16, 2001: California Health and Safety ("HS") Code Section 11378, a felony (Certificate of Rehabilitation, September 7, 2017); and (3) January 21, 1992: California PC Section 488, a misdemeanor. I also agree that there are

1 grounds to deny the issuance of an unrestricted real estate salesperson license to me pursuant to  
2 Code Sections 475(a)(1), 480(c) and 10177(a) for the non-disclosure of my January 21, 1992  
3 conviction on my real estate salesperson application.

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

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

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

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

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

24 a. Respondent's conviction (including a plea of *nolo contendere*) of a  
25 crime that bears a substantial relationship to Respondent's fitness or  
26 capacity as a real estate licensee; or

27 b. The receipt of evidence that Respondent has violated provisions of the



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                   7-30-18

11                   Dated



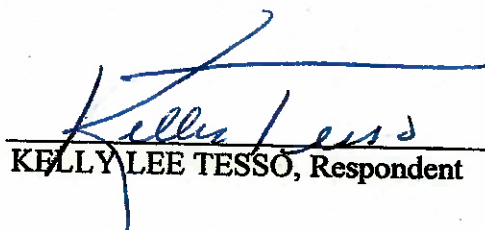
12                   Julie L. To, Counsel  
13                   Department of Real Estate

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                   7/19/2018

24                   Dated



25                   KELLY LEE TESSO, 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 KELLY LEE TESSO, 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 20, 2018

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

