

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

**FILED**

JAN 26 2010

DEPARTMENT OF REAL ESTATE

By K. Max

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

11 *In the Matter of the Application of*

12  
13 TYLER DALBEN

14  
15 Respondent

) No. H- 5260 SAC

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

16 It is hereby stipulated by and between TYLER DALBEN (hereinafter "Respondent") and  
17 Respondent's attorney, Mary E. Work, and the Complainant, acting by and through John W.  
18 Barron, Counsel for the Department of Real Estate, as follows for the purpose of settling and  
19 disposing of the Statement of Issues filed on August 12, 2009 in this matter:

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

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

6 Respondent hereby admits that the allegations of the Statement of Issues filed against  
7 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion  
8 issue a restricted real estate salesperson license to Respondent under the authority of Section  
9 10156.5 of the Business and Professions Code.

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

16 Respondent further understands that the following conditions, limitations, and restrictions will  
17 attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 18 1. The license shall not confer any property right in the privileges to be exercised including  
19 the right of renewal, and the Real Estate Commissioner may by appropriate order suspend  
20 the right to exercise any privileges granted under this restricted license in the event of:
  - 21 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which  
22 bears a substantial relationship to Respondent's fitness or capacity as a real estate  
23 licensee; or
  - 24 b. The receipt of evidence that Respondent has violated provisions of the California  
25 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
26 Commissioner or conditions attaching to this restricted license.

27 ///


1        2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate  
2        license nor the removal of any of the conditions, limitations, or restrictions attaching to  
3        the restricted license until four years have elapsed from the date of issuance of the  
4        restricted license to Respondent.

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

9        a. That broker has read the Statement of Issues which is the basis for the issuance of  
10        the restricted license; and

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

15        12/3/09  
16        \_\_\_\_\_  
16        Dated

15          
16        \_\_\_\_\_  
16        JOHN W. BARRON, Counsel,  
17        Department of Real Estate

18        \* \* \*

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

26        ///

27        ///

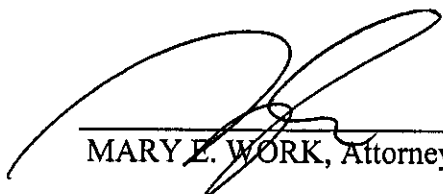
1 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation  
2 and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the  
3 Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that  
4 by electronically sending to the Department a fax copy of his actual signature as it appears on the  
5 Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on  
6 Respondent as if the Department had received the original signed Stipulation and Waiver.

7  
8 11/24/09  
Dated

  
TYLER DALBEN, Respondent

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

11  
12 11/30/09  
Dated

  
MARY E. WORK, Attorney for Respondent

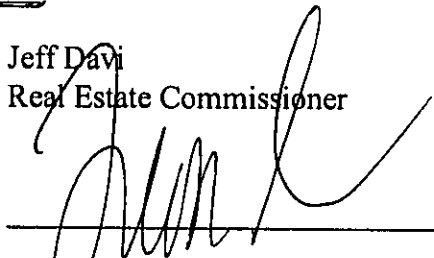
13  
14 \* \* \*

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

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

23 This Order is effective immediately.

24 IT IS SO ORDERED 1-25-0

25 Jeff Davi  
26 Real Estate Commissioner  


1 RICHARD K. UNO, Counsel (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-2380

FILED

AUG 12 2009

DEPARTMENT OF REAL ESTATE  
By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
TYLER DALBEN,  
Respondent.

No. H-5260 SAC  
STATEMENT OF ISSUES

The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against TYLER DALBEN, (Respondent), alleges as follows:

1

Complainant makes this Statement of Issues in his official capacity.

2

On or about February 11, 2009, Respondent made application to the Department of Real Estate of the State of California (herein "the Department") for a real estate salesperson license.

3

On or about January 14, 2000, in the Superior Court of the State of California, County of Placer, Case No.62-9895, Respondent was convicted of violating Section 11366 of

1 the California Health and Safety Code (Keeping a Place to Sell Narcotics/Controlled  
2 Substances) and Section 11366.8 of the California Health and Safety Code (False Container of  
3 Narcotics), both crimes a felony and bear a substantial relationship under Section 2910, Title 10,  
4 California Code of Regulations, (herein "the Regulations"), to the qualifications, functions or  
5 duties of a real estate licensee.

6 4

7 On or about August 24, 2000, in the Superior Court of the State of California,  
8 County of Sacramento, Case No.00F04967, Respondent was convicted of violating Section  
9 11377(a) of the California Health and Safety Code (Possession of a Controlled Substances), a  
10 felony and a crime which bears a substantial relationship under Section 2910 of the Regulations  
11 to the qualifications, functions or duties of a real estate licensee.

12 5

13 Respondent's criminal convictions, as described in Paragraphs 3 and 4, above,  
14 constitute cause for denial of his application for a real estate license under Sections 10177(b)  
15 and 480(a) of the Business and Professions Code.

16 WHEREFORE, Complainant prays that the above-entitled matter be set for  
17 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
18 authorize the issuance of, and deny the issuance of a real estate salesperson license to  
19 Respondent, and for such other and further relief as may be proper in the premises.

20  
21   
22 \_\_\_\_\_  
23 JOE M. CARRILLO  
24 Deputy Real Estate Commissioner

25 Dated at Sacramento, California,  
26 this 11 day of August, 2009.  
27