

1 all the requirements for issuance of a real estate salesperson license. Respondent further understands that
2 by entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate
3 Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial
4 of the issuance to Respondent of an unrestricted real estate broker 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 broker license if this Stipulation and Waiver is
12 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 real estate sales license issued by the Department 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 notify the Commissioner in writing within 72 hours of any arrest by sending a
26 certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000,
27 Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime

1 for which Respondent was arrested and the name and address of the arresting law enforcement
2 agency. Respondent's failure to timely file written notice shall constitute an independent
3 violation of the terms of the restricted license and shall be grounds for the suspension or
4 revocation of that license.

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

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

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

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

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19 5. Respondent shall not file a renewal application for or otherwise attempt to renew the real estate
20 salesperson license issued to Respondent on January 31, 2006 and that expired on January 30,
21 2010.

22 2/11/11

23 Dated

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

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

2/11/11

Dated

CLIFTON EDWARD SHOEMAKER, Respondent

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

2/11/11

Dated

EDUARDO GONZALEZ, Attorney for Respondent

I have read the Statement of Issues filed herein and 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.

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RS 511C
(Rev. 8/10)

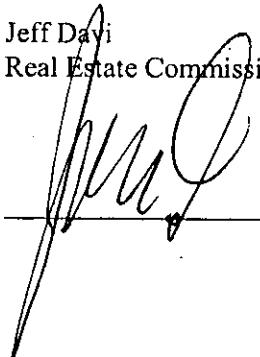
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1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
2 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
3 restricted license shall be limited, conditioned,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

5 This Order is effective immediately.

6 IT IS SO ORDERED 3/7/24

8 Jeff Davi
9 Real Estate Commissioner

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1 Jason D. Lazark, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Office: (916) 227-0789
6 Direct: (916) 227-0822

FILED

AUG 31 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of

12 CLIFTON EDWARD SHOEMAKER,

13 Respondent.

) No. H-5459 SAC

) STATEMENT OF ISSUES

14
15 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a
16 Deputy Real Estate Commissioner of the State of California, for Statement of Issues against
17 CLIFTON EDWARD SHOEMAKER (herein "Respondent"), alleges as follows:

18 1.

19 On or about December 21, 2009, Respondent made application to the Department
20 of Real Estate of the State of California for a real estate broker license.

21 2.

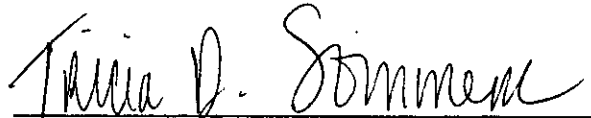
22 On or about May 31, 2007, in the Superior Court of the State of California,
23 County of Sacramento, Case Number 07F01605, Respondent was convicted of violating Vehicle
24 Code § 23153 (driving under the influence of alcohol causing injury), a felony which bears a
25 substantial relationship under Section 2910, Title 10, California Code of the Regulations, to the
26 qualifications, functions or duties of a real estate licensee.

27 ///

3.

Respondent's criminal conviction, as described above in Paragraph 2, constitute grounds for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Business and Professions Code.

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



TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 19th day of August, 2010.