


FILED

July 13, 2011

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-5491 SAC
DOUGLAS RICHARD WATSON,)	
Respondent.)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between DOUGLAS RICHARD WATSON (hereinafter "Respondent") and his attorney, KEITH J. STATEN, and the Complainant, acting by and through ANNETTE E. FERRANTE, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 14, 2010 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate (hereinafter the "Department") in this proceeding.

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he will thereby waive his right to require the Real Estate Commissioner
5 (hereinafter the "Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that he will waive other rights
7 afforded to him in connection with the hearing such as the right to present evidence in defense of
8 the allegations in the Accusation and the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
10 factual allegations in the Accusation filed in this proceeding are true and correct and the
11 Commissioner shall not be required to provide further evidence to prove such allegations.

12 5. It is understood by the parties that the Commissioner may adopt the
13 Stipulation and Agreement as her decision in this matter thereby imposing the penalty and
14 sanctions on Respondent's real estate license and license rights as set forth in the below Order.
15 In the event that the Commissioner in her discretion does not adopt the Stipulation and
16 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
17 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound
18 by any admission or waiver made herein.

19 6. The Order or any subsequent Order of the Commissioner made pursuant to
20 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department with respect to any matters which were
22 not specifically alleged to be causes for accusation in this proceeding as admitted or withdrawn.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions, and waivers and solely for
25 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
26 that the following Determination of Issues shall be made:
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1 The acts and/or omissions of Respondent as described in the Accusation violate
2 Sections 490 and 10177(b) of the California Business and Professions Code (hereinafter the
3 "Code").

4 ORDER

5 1. All licenses and licensing rights of Respondent DOUGLAS RICHARD
6 WATSON under the Real Estate Law are revoked; provided, however, a restricted real estate
7 salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Code if
8 Respondent makes application therefore and pays to the Department the appropriate fee for the
9 restricted license within 90 days from the effective date of this Decision.

10 2. The restricted license issued to Respondent shall be subject to all of the
11 provisions of Section 10156.7 of the Code as to the following limitations, conditions and
12 restrictions imposed under authority of Section 10156.6 of that Code:

13 (a) The restricted license issued to Respondent may be suspended prior to
14 hearing by Order of the Commissioner in the event of Respondent's
15 conviction (including by plea of guilty or nolo contendere) to a crime
16 which is substantially related to Respondent's fitness or capacity as a real
17 estate licensee; and,

18 (b) The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Commissioner on evidence satisfactory to the
20 Commissioner that Respondent has violated provisions of the California
21 Real Estate Law, the Subdivided Lands Law, Regulations of the Real
22 Estate Commissioner, or conditions attaching to the restricted license.

23 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
24 real estate license nor for removal of any of the conditions, limitations or restrictions of a
25 restricted license until two (2) years have elapsed from the effective date of this Decision.

26 4. Respondent shall notify the Commissioner in writing within 72 hours of any
27 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post

1 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
2 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
3 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
4 constitute an independent violation of the terms of the restricted license and shall be grounds for
5 the suspension or revocation of that license.

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

9 (a) That the employing broker has read the Decision which is the basis

10 for the issuance of the restricted license; and,

11 (b) That the employing broker will carefully review all transaction

12 documents prepared by the restricted licensee and otherwise

13 exercise close supervision over the licensee's performance of acts

14 for which a license is required.

15 6. Respondent shall, within nine (9) months from the effective date of this
16 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most
17 recent issuance of an original or renewal real estate license, taken and successfully completed the
18 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
19 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order
20 the suspension of the restricted license until the Respondent presents such evidence. The
21 Commissioner shall afford Respondent the opportunity for hearing pursuant to the APA to
22 present such evidence.

23
24 6/16/11
25 DATED

26 
27 ANNETTE E. FERRANTE,
Counsel for Department of Real Estate

I have read the Stipulation and Agreement, 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

6/17/2011
DATED


DOUGLAS RICHARD WATSON, Respondent

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

6-17-11
DATED


KEITH J. STATEN
Attorney for Respondent

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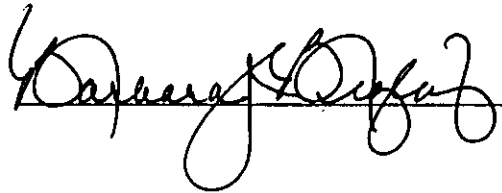
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The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on JUL 29 2011, 2011.

IT IS SO ORDERED 7/8, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
5 -or- (916) 227-0788 (Direct)

FILED

OCT 14 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 DOUGLAS RICHARD WATSON,)
14 Respondent.)
15 _____)

H- 5491 SAC

ACCUSATION

16 The Complainant, TRICIA D. SOMMERS, in her official capacity as a
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
18 DOUGLAS RICHARD WATSON (hereinafter "Respondent"), is informed and alleges as
19 follows:

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21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code") as a
23 real estate salesperson.

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25 On or about March 8, 2010, Respondent made application to the State of
26 California Department of Real Estate (hereinafter "the Department") for the renewal of his real
27 estate salesperson license.

In response to Question 4 of said renewal application, to wit: "Within the six-year period prior to filing this application, have you been convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a misdemeanor or felony," Respondent concealed and failed to disclose the conviction described in Paragraph 4, below.

On or about November 24, 2009, in the Superior Court of the State of California, County of Sacramento, in Case No. 09T06109, Respondent was convicted of violating Section 23152(a) of the California Vehicle Code (DUI), a misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of the California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

Respondent's failure to reveal in his renewal application for a real estate salesperson license the conviction set forth in Paragraph 4, above, constitutes the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for suspension or revocation of all licenses and license rights of Respondent pursuant to the provisions of Sections 480(c) (Knowingly Made False Statement On Application), 498 (License Secured by Fraud, Deceit or Knowing Misrepresentation) and 10177(a) (Attempted Procurement of License by Fraud/Misrepresentation/Deceit/Material Misstatement) of the Code.

The facts alleged in Paragraph 4, above, constitute cause under Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Real Estate
4 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
5 relief as may be proper under the provisions of law.

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9 TRICIA D. SOMMERS
10 Deputy Real Estate Commissioner
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13 Dated at Sacramento, California,
14 this 5th day of October, 2010.
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