

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

7 Respondent hereby admits that the allegations of the Statement of Issues filed against
8 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion
9 issue a restricted real estate salesperson license to Respondent under the authority of Section
10 10156.5 of the Business and Professions Code.

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

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

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

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 (4) years have elapsed from the date of issuance of the
4 restricted license to Respondent.

5 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
6 sending a certified letter to the Commissioner at the Department of Real Estate, Post
7 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
8 Respondent's arrest, the crime for which Respondent was arrested and the name and
9 address of the arresting law enforcement agency. Respondent's failure to timely file
10 written notice shall constitute an independent violation of the terms of the restricted
11 license and shall be grounds for the suspension or revocation of that license.

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

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

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

21
22 8/03/11

23 Dated

24 

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

///

///

///

I have read the Stipulation and Waiver 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.

7/29/2011

Dated



SEAN ANDRE BEATTIE, Respondent

///
///
///
///
///
///
///
///
///
///
///

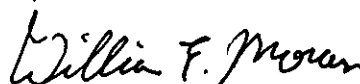
1
2 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
3 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as
4 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to
5 the public interest to issue a restricted real estate salesperson license to Respondent.

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

10 This Order is effective immediately.

11
12 IT IS SO ORDERED August 14, 2011

13
14 BARBARA J. BIGBY,
Acting Real Estate Commissioner


15
16 

17 By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

FILED

July 26, 2011

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Fax: (916) 227-9458
6 Telephone: (916) 227-0789
7 -or- (916) 227-0788 (Direct)

DEPARTMENT OF REAL ESTATE
By 

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

12 * * *

13 In the Matter of the Application of) NO. H-5642 SAC
14 SEAN ANDRE BEATTIE,) STATEMENT OF ISSUES
15 Respondent.)

16
17 The Complainant, E. J. HABERER, II, in his official capacity as a Deputy Real
18 Estate Commissioner of the State of California (hereinafter "Complainant"), for Statement of
19 Issues against SEAN ANDRE BEATTIE (hereinafter "Respondent"), alleges as follows:

20 1

21 On or about July 26, 2010, Respondent made application to the Department of
22 Real Estate of the State of California (hereinafter "the Department") for a real estate salesperson
23 license.

24 2

25 On or about June 3, 2003, in the United States District Court, Northern District
26 of California, Case No. CR00-0363-01 VRW, Respondent was convicted of the following
27

1 crimes which bear a substantial relationship under Section 2910, Title 10, of the California Code
2 of Regulations, to the qualifications, functions or duties of a real estate licensee:

- 3 (1) 21 U.S.C. Section 846 (Conspiracy to Distribute Cocaine and to Possess Cocaine
4 with Intent to Distribute), a Class A Felony; and
5 (2) 21 U.S.C. Sections 841(a) and 841(b)(1)(A) and (B) (Possession with Intent to
6 Distribute Cocaine), a Class B Felony.

7 3

8 The facts described in Paragraph 2, above, constitute cause for denial of
9 Respondent's application for a real estate license under Sections 480(a) (Denial of License by
10 Board – Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
11 Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

12 WHEREFORE, Complainant prays that the above-entitled matter be set for
13 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
14 authorize the issuance of, and deny the issuance of a real estate salesperson license to
15 Respondent, and for such other and further relief as may be proper under the provisions of the
16 law.

17
18 
19 _____
20 E. J. HABERER, II
Deputy Real Estate Commissioner

21 Dated at Oakland, California,
22 this 25th day of July, 2011.
23
24
25
26
27