

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670
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FILED
SEP 09 2014
BUREAU OF REAL ESTATE
By *L. J. West*

8 **BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**
10

11 *In the Matter of the Application of*)

12)
13 BRYN COLLWYN FORTMULLER,)
14 Respondent)
15)

NO. H-6133 SAC

STIPULATION AND WAIVER

16 It is hereby stipulated by and between BRYN COLLWYN FORTMULLER (hereinafter
17 "Respondent") and Respondent's attorney, EDGARDO GONZALEZ, and the Complainant, acting
18 by and through JASON D. LAZARK, Counsel for the Bureau of Real Estate, as follows for the
19 purpose of settling and disposing of the Statement of Issues filed on May 13, 2014 in this matter:

20 Respondent acknowledges that Respondent has received and read the Statement of Issues
21 and the Statement to Respondent filed by the Bureau 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 Bureau of Real Estate pursuant hereto:

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

22 a. Respondent's conviction (including a plea of guilty or nolo contendere) of a crime
23 which 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 notify the Commissioner in writing within 72 hours of any arrest by
2 sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box
3 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of Respondent's arrest, the
4 crime for which Respondent was arrested and the name and address of the arresting law
5 enforcement agency. Respondent's failure to timely file written notice shall constitute an
6 independent violation of the terms of the restricted license and shall be grounds for the suspension
7 or revocation of that license.

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

12 4. Respondent makes regular monthly restitution payments to the County of Placer related
13 to the criminal conviction set forth in Paragraph 2 of the Statement of Issues in this matter. As of
14 the date of the execution of this Stipulation and Agreement, Respondent owes \$41,062.00 in
15 restitution to the County of Placer. Respondent shall continue to make payments to the Court of
16 Placer in an amount not less than \$75 per month, commencing with the August 15, 2014 payment
17 and continuing monthly thereafter until the total amount owed in restitution (including taxes and
18 interest) is paid in full. Respondent shall also submit written proof to the satisfaction of the
19 Commissioner on a quarterly basis of his monthly restitution payments to the County of Placer.
20 Such proof of restitution payments shall be mailed to the Bureau of Real Estate Flag section at P.O.
21 Box 137013, Sacramento, CA 95813-7013.

22 5. With the application for license, or with the application for transfer to a new employing
23 broker, Respondent shall submit a statement signed by the prospective employing broker on a form
24 approved by the Bureau of Real Estate wherein the employing broker shall certify as follows:

25 a. That broker has read the Statement of Issues which is the basis for the issuance of
26 the restricted license; and
27

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

8-12-14

Dated

JASON D. LAZARK, Counsel
Bureau of Real Estate

8 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
 9 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
 10 given to me by the California Administrative Procedure Act (including but not limited to Sections
 11 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
 12 voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I
 13 would have the right to cross-examine witnesses against me and to present evidence in defense and
 14 mitigation of the charges.

15 Respondent can signify acceptance and approval of the terms and conditions of this
 16 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to
 17 the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that
 18 by electronically sending to the Bureau a fax copy of his actual signature as it appears on the
 19 Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on
 20 Respondent as if the Bureau had received the original signed Stipulation and Waiver.

8-8-2014

Dated

BRYN COLLWYN FORTMULLER, Respondent

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

8-8-14

Dated

EDGARDO GONZALEZ, Attorney for 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 to
4 the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the
5 public interest to issue a restricted real estate salesperson license to Respondent.

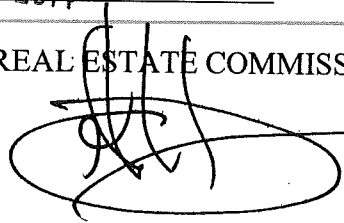
6 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
7 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for
8 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the
9 foregoing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

10 This Order is effective immediately.

11
12 IT IS SO ORDERED

SEP 04 2014

13 REAL ESTATE COMMISSIONER

14
15 

16 By: JEFFREY MASON
17 Chief Deputy Commissioner

FLAG

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Bureau of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007
5 Telephone: (916) 263-8684

FILED

MAY 13 2014

BUREAU OF REAL ESTATE
By L. Frost

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 BRYN COLLWYN FORTMULLER,) No. H-6133 SAC
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
16 Deputy Real Estate Commissioner of the State of California, for Statement of Issues against
17 BRYN COLLWYN FORTMULLER ("Respondent"), alleges as follows:

18 1.

19 On or about May 9, 2013, Respondent made application to the Bureau of Real
20 Estate of the State of California for a real estate salesperson license.

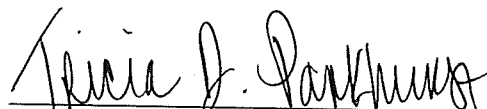
21 2.

22 On or about March 23, 2009, in the Superior Court of the State of California,
23 County of Placer, Case No. 62-85783, Respondent was convicted of violating Penal Code
24 section 498(b)(2) (theft of utility services) and [REDACTED]
25 [REDACTED] felonies which bear a substantial relationship under section 2910, title
26 10, California Code of Regulations to the qualifications, functions or duties of a real estate
27 licensee.

3.

Respondent's criminal convictions, 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 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 salesperson license to Respondent, and for such other and further relief as may be proper in the premises.


TRICIA D PARKHURST,
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 18th day of April, 2014.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.