

FILED

JUL 11 2014

BUREAU OF REAL ESTATE

By S. B. Black

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8 BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

H-6152 SAC

11 In the Matter of the Application of

12 IVAN DEXTER POINTER,

13 Respondent.

} Investigation No. 414-0116-005

} STIPULATION AND WAIVER

14  
15 IVAN DEXTER POINTER ("Respondent") does hereby affirm that on November  
16 25, 2013, Respondent applied to the Bureau of Real Estate<sup>1</sup> ("Bureau") for a real estate salesperson  
17 license and that to the best of Respondent's knowledge Respondent has satisfied all of the statutory  
18 requirements for the issuance of the license, including, but not limited to, the payment of the fee  
19 therefore.

20 FACTUAL BASIS

21 1

22 On or about February 27, 1998, in the Superior Court of the State of California,  
23 County of Sacramento, Respondent was convicted of a violation of Section 261.5 of the California  
24 Penal Code (unlawful sexual intercourse), a felony and a crime which bears a substantial  
25 relationship under Section 2910 of the California Code of Regulations ("Regulations"), to the  
26 qualifications, functions or duties of a real estate licensee.

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<sup>1</sup> Effective July 1, 2013, the Department of Real Estate has become the Bureau of Real Estate under the Department of Consumer Affairs pursuant to the Governor's Reorganization Plan of 2012.

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On or about July 18, 2001, in the Superior Court of the State of California, County of Sacramento, Respondent was convicted of a violation of Section 23152(a) of the California Vehicle Code (DUI), a misdemeanor and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

3

On September 10, 2005, a conditional restricted real estate salesperson license was issued to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision effective August 25, 2005, in Case No. H-4242 SAC. That Decision granted the right to the issuance of a conditional restricted real estate salesperson license subject to the provisions of Sections 10156.5 and 10156.7 of the California Business and Professions Code ("Code") of the State of California, and to enumerated additional terms, conditions and restrictions imposed under authority of Sections 10153.4 and 10156.6 of said Code. On March 11, 2007, Respondent's conditional restricted real estate license was suspended pursuant to Section 10153.4 of the Code in Case No. H-4242 SAC, for failure to complete the continuing education condition as required.

GROUND FOR DENIAL

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Respondent's criminal convictions identified in paragraphs 1 and 2 of the Factual Basis, above, constitute grounds under Sections 480(a) and 10177(b) of the Code for the denial of Respondent's application for an unrestricted real estate license.

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The facts identified in paragraph 3 of the Factual Basis, above, constitute grounds under Section 10177(k) of the Code for the denial of Respondent's application for an unrestricted real estate license.

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1 TERMS AND CONDITIONS

2 Respondent understands that the Real Estate Commissioner ("Commissioner") may  
3 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of  
4 Respondent's honesty and truthfulness and to prove other allegations therein, or that the  
5 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson  
6 license based upon this Stipulation and Waiver. Respondent also understands that by entering into  
7 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that  
8 Respondent has failed to make a showing that Respondent meets all the requirements for issuance  
9 of a real estate salesperson license thereby justifying the denial of the issuance to Respondent of an  
10 unrestricted real estate salesperson license.

11 Respondent hereby admits the above Factual Basis is true and correct and requests  
12 that the Commissioner issue a restricted real estate salesperson license to Respondent under the  
13 authority of Sections 10100.4 and 10156.5 of the Code. Respondent understands that any such  
14 restricted license will be issued subject to the provisions and limitations of Sections 10156.6 and  
15 10156.7 of the Code.

16 Respondent is aware that by signing this Stipulation and Waiver, and if this  
17 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving Respondent's  
18 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's  
19 rehabilitation in order to obtain an unrestricted real estate salesperson license. Respondent is not  
20 waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or  
21 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

22 Respondent understands that this Stipulation and Waiver, which was executed  
23 pursuant to the authority under Sections 10100.4 and 10156.5 of the Code, is considered discipline  
24 by the Bureau.

25 Respondent further understands that the following conditions, limitations and  
26 restrictions will attach to a restricted real estate license issued by the Bureau pursuant hereto:

27 ///

1                   1.     The license shall not confer any property right in the privileges to be  
2 exercised and the Commissioner may by appropriate order suspend the right to exercise any  
3 privileges granted under this restricted license in the event of:

4                   a.     Respondent's conviction (including, but not limited to, a plea of  
5 guilty or nolo contendere) of a crime which bears a substantial relationship to Respondent's fitness  
6 or capacity as a real estate licensee; or

7                   b.     The receipt of evidence that Respondent has violated provisions of  
8 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
9 conditions attaching to this restricted license.

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

14                  3.     Respondent shall notify the Commissioner in writing within 72 hours of any  
15 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office  
16 Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's  
17 arrest, the crime for which Respondent was arrested and the name and address of the arresting law  
18 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
19 independent violation of the terms of the restricted license and shall be grounds for the suspension  
20 or revocation of that license.

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

24                  a.     That the broker has read the Stipulation and Waiver which is the basis  
25 for the issuance of the restricted license; and

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27 ///

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

4                                    Respondent has read the Stipulation and Waiver and its terms are understood by  
5 Respondent, and agreeable and acceptable to Respondent. Respondent understands that  
6 Respondent is waiving rights given to Respondent by the California Administrative Procedure Act  
7 (including, but not limited to, California Government Code sections 11504, 11506, 11508, 11509,  
8 and 11513), and willingly, intelligently, and voluntarily waives those rights, including, but not  
9 limited to, the right to a hearing on a Statement of Issues at which Respondent would have the right  
10 to cross-examine witnesses against Respondent and to present evidence in defense and mitigation of  
11 the charges.

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

18  
19                                    6/6/14  
20                                    Dated

21                                    Ivan Dexter Pointer  
22                                    IVAN DEXTER POINTER, Respondent  
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I have read 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.

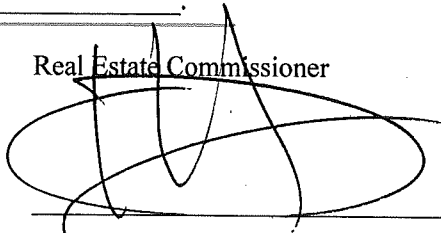
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent IVAN DEXTER POINTER if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the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

This Order is effective immediately.

**JUL 10 2014**

IT IS SO ORDERED

Real Estate Commissioner



By: JEFFREY MASON  
Chief Deputy Commissioner