

**FILED**

Bureau of Real Estate  
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NOV 04 2014

BUREAU OF REAL ESTATE

By S. Black

**BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA**

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*In the Matter of the Application of*

CARMEN MARIA HANEFFANT,  
Respondent.

H-6182 SAC

**STIPULATION AND WAIVER**  
(Per Business and Professions Code § 10100.4)

CARMEN MARIA HANEFFANT ("Respondent"), does hereby affirm that on August 20, 2013 she applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license and that to the best of her knowledge she satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefore.

**FACTUAL BASIS**

On or about September 5, 2006, in the Superior Court, County of Placer, Respondent was convicted of a violation of Section 69 of the California Penal Code (Obstruct Resist Executive Officer), a felony, and Section 11550 of the California Health and Safety Code (Under Influence of a Controlled Substance), a misdemeanor, crimes which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations ("Regulations") to the qualifications, functions or duties of a real estate licensee.

On or about September 21, 2006, in the Superior Court, County of Placer, Respondent was convicted of a violation of Section 4149(a) of the California Business and

1 Professions Code (Unauthorized Possession of Hypodermic Needle or Syringe), a misdemeanor  
2 which bears a substantial relationship under Section 2910, of the Regulations to the qualifications,  
3 functions or duties of a real estate licensee.

4  
5 On or about November 28, 2011, in the Superior Court, County of Sacramento,  
6 Respondent was convicted of a violation of Section 23152(b) of the California Vehicle Code  
7 (Driving with a Blood Alcohol Level of 0.08 or Higher), a misdemeanor which bears a substantial  
8 relationship under Section 2910, of the Regulations to the qualifications, functions or duties of a  
9 real estate licensee.

10 On or about September 5, 2006, Respondent applied for a real estate salesperson  
11 license. On or about October 26, 2010, in Case Number H-5798 SAC before the Bureau,  
12 Respondent's real estate salesperson application was denied for violation of Sections 480(a) and  
13 10177(b) of the Business and Professions Code ("Code") (conviction of a crime).

#### 14 GROUND FOR DENIAL

15  
16 Respondent's criminal conviction constitutes grounds under Sections 480(a) and  
17 10177(b) of the Code for the denial of Respondent's application for an unrestricted real estate  
18 license.

#### 19 TERMS AND CONDITIONS

20 Respondent understands that the Real Estate Commissioner ("Commissioner") may  
21 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of  
22 Respondent's honesty and truthfulness and to prove other allegations therein, or that the  
23 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson  
24 license based upon this Stipulation and Waiver. Respondent also understands that by entering into  
25 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that  
26 Respondent has failed to make a showing that Respondent meets all the requirements for issuance  
27

1 of a real estate salesperson license thereby justifying the denial of the issuance to her of an  
2 unrestricted real estate salesperson license.

3 Respondent hereby admits the above Factual Basis is true and correct and requests  
4 that the Commissioner issue a restricted real estate salesperson license to Respondent under the  
5 authority of section 10100.4 and 10156.5 of the Code. I understand that any such restricted license  
6 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the  
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, and if this  
9 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving her right to a  
10 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order  
11 to obtain an unrestricted real estate salesperson license. Respondent is not waiving her right to a  
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation  
13 and Waiver is not accepted by the Commissioner.

14 Respondent understands that this Stipulation and Waiver, which was executed  
15 pursuant to the authority under section 10100.4 and 10156.5 of the Code, is considered discipline  
16 by the Bureau.

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

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

22 a. Respondent's conviction (including a plea of nolo contendere) of a  
23 crime 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  
26 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
27 conditions attaching to this restricted license.

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

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

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

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

13                  4.     Respondent shall notify the Commissioner in writing within 72 hours of any  
14 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office  
15 Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's  
16 arrest, the crime for which Respondent was arrested and the name and address of the arresting law  
17 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
18 independent violation of the terms of the restricted license and shall be grounds for the suspension  
19 or revocation of that license.

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

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

7 10-15-14

8 Dated

9   
CARMEN MARIA HANEFFANT, Respondent.

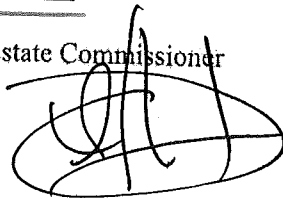
10 I have read the foregoing Stipulation and Waiver signed by Respondent. I am  
11 satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness  
12 of Respondent need not be called and that it will not be inimical to the public interest to issue a  
13 restricted real estate salesperson license to Respondent.

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

18 This Order is effective immediately.

19  
20 IT IS SO ORDERED OCT 29 2014

21 Real Estate Commissioner

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23  
24 By: JEFFREY MASON  
25 Chief Deputy Commissioner  
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