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Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007
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APR 16 2015

BUREAU OF REAL ESTATE

By: J. Black

**BUREAU OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of:

TAUSHA MARIE BALBIANI,
Respondent.

NO. H-6223 SAC

STIPULATION AND WAIVER

It is hereby stipulated by and between TAUSHA MARIE BALBIANI (hereinafter "Respondent"), and the Complainant, acting by and through JASON D. LAZARK, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 24, 2015 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Bureau of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands 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 two (2) years have elapsed from the date of issuance of the restricted license
11 to Respondent.

12 4. Respondent shall, on at least a weekly basis, attend Alcoholic Anonymous meetings
13 during the two year period commencing on the effective date of Commissioner's Order in this
14 matter. Respondent shall also submit written proof to the satisfaction of the Commissioner on a
15 quarterly basis of his attendance to Alcoholics Anonymous meetings at least once a week during
16 said two year period. Such proof of Alcoholic Anonymous meeting attendance shall be mailed to
17 the Bureau of Real Estate Flag section at P.O. Box 137013, Sacramento, CA 95813-7013.

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

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

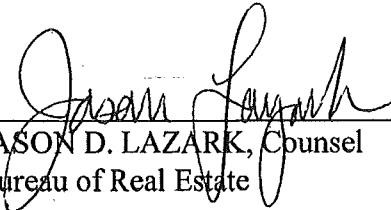
23 b. That broker will carefully review all transaction documents prepared by the
24 restricted licensee and otherwise exercise close supervision over the licensee's
25 performance of acts for which a license is required.

26 ///

27 ///

3/30/15

Dated


JASON D. LAZARK, Counsel
Bureau of Real Estate

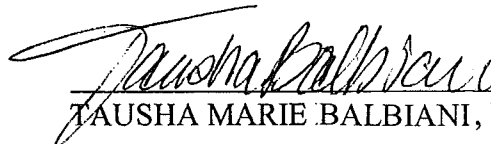
* * *

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 Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver.

3/26/2015

Dated


TAUSHA MARIE BALBIANI, Respondent

* * *

I have read the Statement of Issues filed herein and 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, 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.

IT IS SO ORDERED

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner