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FILED

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BUREAU OF REAL ESTATE

By S. Bleck

**BUREAU OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

LAURA LYNN BRANDON,

Respondent.

Agency Case No. H-6340 SAC

STIPULATION AND WAIVER

(Business and Professions Code §10100.4)

LAURA LYNN BRANDON ("Respondent") does hereby affirm that on November 13, 2014, 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

1

In response to Question 32 of said application, to wit: "Have you ever been convicted (see paragraph above) of any violation of the law at the misdemeanor or felony level? If yes, complete item 38 with information on each conviction", Respondent concealed and failed to disclose the conviction described in Paragraph 5, below.

2

On or about January 5, 2007, in the Superior Court of the State of California, County of Santa Cruz, in Case No. M35482, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (driving under the influence), a misdemeanor and a crime which bears a

1 substantial relationship under Section 2910, Title 10, California Code of Regulations ("the
2 Regulations"), to the qualifications, functions or duties of a real estate licensee.

3 3

4 On or about November 27, 2002, in the Superior Court of the State of California,
5 County of Sacramento, in Case No. 02F09540, Respondent was convicted of violating
6 Section 2800.1(a) of the California Vehicle Code (evading police officer), a misdemeanor and a crime
7 which bears a substantial relationship under Section 2910 of the Regulations to the qualifications,
8 functions or duties of a real estate licensee.

9 4

10 On or about September 10, 2002, in the Superior Court of the State of California,
11 County of San Joaquin, in Case No. SM225264A, Respondent was convicted of violating Section
12 11550(a) of the California Health and Safety Code (being under the influence of controlled substance -
13 cocaine), a misdemeanor and a crime which bears a substantial relationship under Section 2910 of the
14 Regulations to the qualifications, functions or duties of a real estate licensee.

15 5

16 On or about September 10, 2002, in the Superior Court of the State of California,
17 County of San Joaquin, in Case No. SM226384A, Respondent was convicted of violating Section 148
18 of the California Penal Code (obstructing peace officer), a misdemeanor and a crime which bears a
19 substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties
20 of a real estate licensee.

21 6

22 On or about September 3, 2002, in the Superior Court of the State of California,
23 County of Sacramento, in Case No. 02F05956, Respondent was convicted of violating
24 Section 11350(a) of the California Health and Safety Code (possession of controlled substance -
25 cocaine base), a felony and a crime which bears a substantial relationship under Section 2910 of the
26 Regulations to the qualifications, functions or duties of a real estate licensee.

On or about October 23, 1986, in the Superior Court of the State of California, County of Sacramento, in Case No. 86M14534, Respondent was convicted of violating Section 488 of the California Penal Code (petty theft), 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.

GROUND FOR DENIAL

Respondent's failure to reveal information in her application as to Respondent's criminal conviction constitutes grounds under Sections 480(d) and 10177(a) of the Business and Professions Code ("Code") for the denial of Respondent's application for an unrestricted license.

Respondent's criminal convictions 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.

TERMS AND CONDITIONS

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

Respondent hereby admits the above Factual Basis is true and correct and requests that the Commissioner issue a restricted real estate salesperson license to Respondent under the authority of

1 Sections 10100.4 and 10156.5 of the Code. Respondent understands that any such restricted license
2 will be issued subject to the provisions of and limitations to Sections 10156.6 and 10156.7 of the Code.

3 Respondent is aware that by signing this Stipulation and Waiver, and if this Stipulation
4 and Waiver is accepted by the Commissioner, Respondent is waiving her right to a hearing and the
5 opportunity to present evidence at a hearing to establish her rehabilitation in order to obtain an
6 unrestricted real estate salesperson license. Respondent is not waiving her right to a hearing and to
7 further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not
8 accepted by the Commissioner.
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10 Respondent understands that by signing this Stipulation and Waiver, the conditions,
11 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
12 removed only by filing a Petition for Removal of Restrictions ("Petition") with the Commissioner, and
13 that Respondent's Petition must follow the procedures set forth in Government Code Section 11522.

14 Respondent further understands that the restricted license issued to Respondent shall be
15 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
16 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

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

21 a. Respondent's conviction (including a plea of *nolo contendere*) of a crime which
22 bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or,

23 b. Receipt of evidence that Respondent has violated provisions of the California
24 Real Estate Law, the Subdivided Lands Law, the Regulations of the Real Estate Commissioner, and/or
25 any conditions attaching to this restricted license.
26
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1 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real estate
2 license nor the removal of any conditions, limitations, or restrictions attached to the restricted real
3 estate license until two (2) years have elapsed from the date of issuance of the restricted real estate
4 license to Respondent.

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

8 a. That broker has read the Statement of Issues which is the basis for the issuance
9 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 for
12 which a license is required.

13 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
14 sending a certified letter to the Commissioner of the Bureau of Real Estate, Post Office Box 137007,
15 Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest, the crime
16 for which Respondent was arrested, and the name and address of the arresting law enforcement
17 agency. Respondent's failure to timely file written notice shall constitute an independent violation
18 of the terms of the restricted license and shall be grounds for the suspension or revocation of that
19 license.
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22 Respondent has read the Stipulation and Waiver and its terms are agreeable to,
23 understood by, and acceptable to Respondent. Respondent understands that Respondent is waiving
24 rights given to Respondent by the California Administrative Procedure Act (including, but not limited
25 to, California Government Code Sections 11504, 11506, 11508, 11509, and 11513), and willingly,
26 intelligently, and voluntarily waives those rights, including, but not limited to, the right to a hearing on
27

1 a Statement of Issues at which Respondent would have the right to cross-examine witnesses against
2 Respondent and to present evidence in defense and mitigation of the charges.

3 Respondent can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the
5 Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by
6 electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the
7 Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent
8 as if the Bureau had received the original signed Stipulation and Waiver.
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10
11
12 Dated

2/24/16


LAURA LYNN BRANDON, Respondent

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

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

23 This Order is effective immediately.

24 IT IS SO ORDERED MARCH 30, 2016

25 **WAYNE S. BELL**
REAL ESTATE COMMISSIONER

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By: JEFFREY MASON
Chief Deputy Commissioner