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FILED

OCT 10 2018

DEPARTMENT OF REAL ESTATE
By K. Knopp

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of TYLER CUMMINGS, Respondent.	H-6728 SAC **STIPULATION AND WAIVER** (Per Business and Professions Code § 10100.4)

TYLER CUMMINGS, ("Respondent") does hereby affirm that on May 31, 2017, he applied to the Department of Real Estate ("Department") for a real estate salesperson license and that to the best of his knowledge he satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefore.

GROUNDS FOR DENIAL

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

FACTUAL BASIS

On or about May 19, 2011, in the Superior Court of the State of California, County of Sacramento, Case No. 11T01472, Respondent was convicted of violating Vehicle Code section 23103.5, a misdemeanor.

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On or about July 25, 2011, in the Superior Court of the State of Alaska, Cordova District, Case No. 3CO-1100130CR, Respondent was convicted of False Info/RPT-ID when Cited/Served, a misdemeanor.

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 the requirements for issuance of a real estate salesperson license thereby justifying the denial of the issuance to his 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 section 10100.4 and 10156.5 of the Code. I understand that any such restricted license will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the Code.

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

Respondent agrees that by signing this Stipulation and Waiver, the conditions, limitations, and restrictions imposed on Respondent's restricted license, identified below, may be removed only by filing a Petition for Removal of Restrictions ("petition") with the Commissioner,

and that Respondent's petition must follow the procedures set forth in Government Code Section 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the Department.

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

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

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

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

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

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

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

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

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

9/10/18
Dated

JOHN BARRON, Counsel
Department of Real Estate

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

9-4-18
Dated

TYLER CUMMINGS, Respondent

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, TYLER CUMMINGS, 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 October 5, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri