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Department of Real Estate
1651 Exposition Blvd, P.O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 576-8700

FILED

MAY 06 2020

DEPARTMENT OF REAL ESTATE
By B. Nicholas

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of:

DEVON ALBERT QUALLS,

Respondent.

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DRE No. H-6908 SAC
STIPULATION AND WAIVER

It is hereby stipulated by and between DEVON ALBERT QUALLS, ("Respondent") and the Complainant, acting by and through Kyle T. Jones, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Statement of Issues filed on January 2, 2020, in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department in connection with Respondent's application for a real estate broker license. Respondent understands that the Real Estate Commissioner ("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 she may in her discretion waive the hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance

1 of a real estate broker license. Respondent further understands that by entering into this Stipulation
2 and Waiver, Respondent will be stipulating that the Commissioner has found that Respondent has
3 failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an
4 unrestricted real estate broker license.

5 Respondent hereby admits that the allegations of the Statement of Issues filed
6 against Respondent are true and correct and requests that the Commissioner in her discretion issue
7 a restricted real estate broker license to Respondent under the authority of Section 10156.5 of the
8 Business and Professions Code ("Code").

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

15 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
16 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
17 removed only by filing a Petition for Removal of Restrictions ("Petition") with the Commissioner,
18 and that Respondent's Petition must follow the procedures set forth in Government Code Section
19 11522.

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

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

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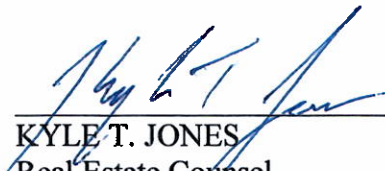
1 a. Respondent's conviction (including a plea of nolo contendere) of a crime
2 which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee;
3 or

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

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

12 3. Respondent shall notify the Commissioner in writing within 72 hours of any
13 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
14 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
15 arrest, the crime for which Respondent was arrested and the name and address of the arresting law
16 enforcement agency. Respondent's failure to timely file written notice shall constitute an
17 independent violation of the terms of the restricted license and shall be grounds for the suspension
18 or revocation of that license.

19
20 4/1/20
21 DATED

22 
23 KYLE T. JONES
24 Real Estate Counsel
25 Department of Real Estate

26 * * *

27 Respondent has read this Stipulation and Waiver and its terms are understood by
Respondent and are 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 Sections 11506, 11508, 11509, and 11513 of the Government Code),

1 and Respondent willingly, intelligently, and voluntarily waives those rights, including the right of a
2 hearing on the Statement of Issues at which Respondent would have the right to cross-examine
3 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

4 Respondent shall send a hard copy of the original signed Stipulation and Waiver to:
5 Department of Real Estate, 1651 Exposition Blvd., Sacramento, CA, 95815.

6 In the event of time constraints before an administrative hearing, Respondent can
7 signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by
8 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
9 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that
10 by electronically sending the Department a scan of Respondent's actual signature as it appears on
11 the Stipulation and Waiver, that receipt of the scan by the Department shall be binding on
12 Respondent as if the Department had received the original signed Stipulation and Waiver.

13
14 4/1/2020
15 DATED

16 
17 DEVON ALBERT QUALLS
18 Respondent

19 * * *

20 I have read the Statement of Issues filed herein and the foregoing Stipulation and
21 Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further
22 proof as to the honesty and truthfulness of Respondent need not be called and that it will not be
23 inimical to the public interest to issue a restricted real estate broker license to Respondent.

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

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

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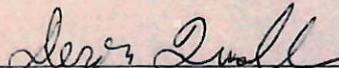
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4/1/2020
DATED


DEVON ALBERT QUALLS
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 broker license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be
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licensure. The restricted license shall be limited, conditioned, and restricted as specified in the
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This Order is effective immediately.

IT IS SO ORDERED 4/24/20.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

