

1 Department of Real Estate
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FILED

DEC 01 2020

DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 *In the Matter of the Application of*

12 **NICHOLAS D. CREW,**

13 **Respondent.**

H-6984 SAC

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

14
15 **NICHOLAS D. CREW, ("Respondent")** does hereby affirm that on October 15,
16 2019, he applied to the Department of Real Estate ("Department") for a real estate salesperson
17 license and that to the best of his knowledge he satisfied all of the statutory requirements for the
18 issuance of the license, including the payment of the fee therefore.

19 **FACTUAL BASIS**

20 On or about October 11, 2012, in the Superior Court of the State of California,
21 County of Yolo, Case No. 10004746, Respondent was convicted of violating Section
22 211/212.5(a)/213(a)(1)(A) (robbery within inhabited structure) of the California Penal Code, a
23 felony.

24 **GROUND FOR DENIAL**

25 Respondent's criminal convictions constitute grounds under Sections 480,
26 10177(b), and 10177(j) of the Business and Professions Code ("Code") for the denial of
27 Respondent's application for an unrestricted real estate license.

1 TERMS AND CONDITIONS

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

11 Respondent hereby admits the above Factual Basis is true and correct and requests
12 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
13 authority of section 10100.4 and 10156.5 of the Code. Respondent understands that any such
14 restricted license will be issued subject to the provisions of and limitations of sections 10156.6
15 and 10156.7 of the Code.

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

22 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
23 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
24 removed only by filing a Petition for Removal of Restrictions ("petition") with the
25 Commissioner, and that Respondent's petition must follow the procedures set forth in
26 Government Code Section 11522. Respondent understands that this Stipulation and Waiver,
27

1 which was executed pursuant to the authority under section 10100.4 and 10156.5 of the Code, is
2 considered discipline by the Department.

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

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

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

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

16 2. Respondent shall not be eligible to petition for the issuance of an
17 unrestricted real estate license nor the removal of any of the conditions, limitations, or
18 restrictions attaching to the restricted real estate license until four (4) years have elapsed from the
19 date of issuance of the restricted real estate license to Respondent. Respondent shall not be
20 eligible to apply for any unrestricted licenses until all restrictions attaching to the license have
21 been removed.

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

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

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

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


11
12 9/30/20
13 Dated



14 Kyle Jones, Counsel
15 Department of Real Estate

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

24 09-29-2020
Dated



25 NICHOLAS D. CREW, Respondent

26 I have read the foregoing Stipulation and Waiver signed by Respondent. I am
27 satisfied that the hearing for the purpose of requiring further proof as to the honesty and

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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 NICHOLAS D. CREW, 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 11-19-20.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley