

1 Department of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
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FILED

SEP 01 2023

DEPARTMENT OF REAL ESTATE
By B. A. Davis

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

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11 *In the Matter of the Application of*

12 BRITTANY ELIZABETH DAVIES,

13 Respondent.

H-7280 SAC

STIPULATION AND WAIVER

(Per Business and Professions Code § 10100.4)

14 BRITTANY ELIZABETH DAVIES (Respondent), does hereby affirm that on
15 October 24, 2022, Respondent applied to the Department of Real Estate (Department) for a real
16 estate salesperson license and that to the best of Respondent's knowledge Respondent satisfied all
17 of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefore.

19 FACTUAL BASIS

20 On or about December 8, 2014, in Placer County Superior Court, case 62-131415,
21 Respondent was convicted of Sections 23153(a) and 23566(b) of the Vehicle Code with a special
22 allegation of Section 12022.7(a) of the Penal Code (Driving Under the Influence Causing Great
23 Bodily Injury with Priors), a felony and crime which bears a substantial relationship under Section
24 2910, Chapter 6, Title 10, California Code of Regulations (Regulations) to the qualifications,
25 functions or duties of a real estate licensee.

26 Matters in Aggravation
27

On or about September 16, 2013, in Sacramento County Superior Court, case 13T03610, Respondent was convicted of Section 23152(b) of the Vehicle Code (Driving Under the Influence).

On or about July 1, 2009, in Dakota County District Court State of Minnesota, case CR-09-4343, Respondent was convicted of Section 169A.20.1(5) of the Minnesota Statutes (Driving While Intoxicated).

On or about August 30, 2006, in Washington County District Court State of Minnesota, case 82-T7-06-016712, Respondent was convicted of Section 169A.33 of the Minnesota Statutes (Underage Drinking and Driving).

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.

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 Respondent 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

1 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the
2 Code.

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

9 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
10 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
11 removed only by filing a Petition for Removal of Restrictions (petition) with the Commissioner,
12 and that Respondent's petition must follow the procedures set forth in Government Code Section
13 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to
14 the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the
15 Department.

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

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

22 a. Respondent's conviction (including a plea of nolo contendere) of a
23 crime 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
26 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
27 conditions attaching to this restricted license.

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

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

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

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

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

22 Respondent has read the Stipulation and Waiver and its terms are understood by
23 Respondent and agreeable and acceptable to Respondent. Respondent understands that Respondent
24 is waiving rights given to Respondent by the California Administrative Procedure Act (including,
25 but not limited to, California Government Code sections 11504, 11506, 11508, 11509, and 11513),
26 and willingly, intelligently, and voluntarily waives those rights, including, but not limited to, the
27 right to a hearing on a Statement of Issues at which Respondent would have the right to cross-

1 examine witnesses against Respondent and to present evidence in defense and mitigation of the
2 charges.

3 Respondent can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by
5 Respondent, to the Department counsel Truly Sughrue. Respondent agrees, acknowledges and
6 understands that by electronically sending the Department a scan of Respondent's actual signature
7 as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be
8 binding on Respondent as if the Department had received the original signed Stipulation and
9 Waiver. Respondent shall also send a hard copy of the original signed Stipulation and Waiver to

10 Truly Sughrue, Department of Real Estate, P.O. Box 187007 Sacramento, CA 95818-7007.

11
12 Aug. 2. 2023

13 Dated

B. E. Davies

BRITTANY ELIZABETH DAVIES, Respondent

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

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

22 This Order is effective immediately.

23 IT IS SO ORDERED _____

24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER
26
27 _____

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8.22.23

24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER
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