

FILED

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DEPARTMENT OF REAL ESTATE

By B. M. Chulas

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6 **DEPARTMENT OF REAL ESTATE**
7 **STATE OF CALIFORNIA**

8 * * *

9 *In the Matter of the Application of*

10 ROBERT TIMOTHY ESTALL, II,

11 Respondent.

H-7343 SAC

STIPULATION AND WAIVER

(Per Business and Professions Code § 10100.4)

12 ROBERT TIMOTHY ESTALL, II (Respondent), does hereby affirm that on
13 August 16, 2023, Respondent applied to the Department of Real Estate (Department) for a real
14 estate salesperson license and that to the best of Respondent's knowledge Respondent satisfied
15 all of the statutory requirements for the issuance of the license, including the payment of the fee
16 therefore.

FACTUAL BASIS

17 On or about On or about December 23, 2014, in the State of Nevada, Clark County
18 District Court, case C-13-292668, Respondent was convicted of the following serious felonies:

- 19 • Conspiracy to Commit Robbery
- 20 • Burglary While in Possession of a Firearm
- 21 • First Degree Kidnapping with Use of a Deadly Weapon
- 22 • Robbery With Use of Deadly Weapon
- 23 • Battery
- 24 • Battery With Intent to Commit Crime

25 These serious felonies bear a substantial relationship under Section 2910, Chapter 6,
26 Title 10, California Code of Regulations (Regulations) to the qualifications, functions or duties of a
27 real estate licensee.

1 Matters in Aggravation:

2 On or about October 19, 2007, in Alameda County Superior Court, case 226401,
3 Respondent was convicted of Section 415 (disturbing the peace) of the Penal Code.

4 On or about December 18, 2007, in Stanislaus County Superior Court, case
5 1237454, Respondent was convicted of Section 23103(a) (reckless driving) of the Vehicle Code.

6 GROUNDS FOR DENIAL

7 Respondent's criminal conviction constitutes grounds under Sections 480(a) and
8 10177(b) of the Code for the denial of Respondent's application for an unrestricted real estate
9 license.

10 TERMS AND CONDITIONS

11 Respondent understands that the Real Estate Commissioner (Commissioner) may
12 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
13 Respondent's honesty and truthfulness and to prove other allegations therein, or that the
14 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson
15 license based upon this Stipulation and Waiver. Respondent also understands that by entering into
16 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
17 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
18 of a real estate salesperson license thereby justifying the denial of the issuance to Respondent of an
19 unrestricted real estate salesperson license.
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21 Respondent hereby admits the above Factual Basis is true and correct and requests
22 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
23 authority of section 10100.4 and 10156.5 of the Code. I understand that any such restricted license
24 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the
25 Code.

26 Respondent is aware that by signing this Stipulation and Waiver, and if this
27 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving Respondent's

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

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

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

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

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

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

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

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

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

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

12 4. 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 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
15 Respondent's arrest, the crime for which Respondent was arrested and the name and address of the
16 arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute
17 an independent violation of the terms of the restricted license and shall be grounds for the
18 suspension or revocation of that license.

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

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1 Respondent can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by
3 Respondent, to the Department counsel Truly Sughrue. Respondent agrees, acknowledges and
4 understands that by electronically sending the Department a scan of Respondent's actual signature
5 as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be
6 binding on Respondent as if the Department had received the original signed Stipulation and
7 Waiver. Respondent shall also send a hard copy of the original signed Stipulation and Waiver to
8 Truly Sughrue, Department of Real Estate, P.O. Box 137007 Sacramento, CA 95813-7007.

9
10 Dated

5/24/24



ROBERT TIMOTHY ESTALL, Respondent

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

15 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
16 license be issued to Respondent ROBERT TIMOTHY ESTALL, II if Respondent has otherwise
17 fulfilled all of the statutory requirements for licensure. The restricted license shall be limited,
18 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

19 This Order is effective immediately.

20 IT IS SO ORDERED

6/17/2024

21 CHIKA SUNQUIST
22 Real Estate Commissioner
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