

FILED
MAR 25 2003

DEPARTMENT OF REAL ESTATE

By Shelly Ely

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

GREGORY BOLIN GARRETT,

Respondent

No. H- 8327 SF

**STIPULATION AND
WAIVER**

I, GREGORY BOLIN GARRETT, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on February 22, 2003, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

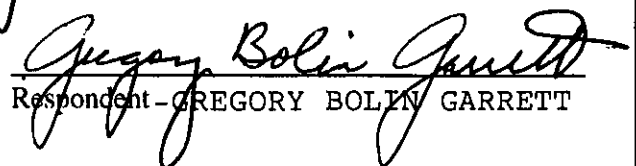
8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.
- 9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)
11 months of the issuance of the restricted license, to submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of two of the courses listed
13 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
14 advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the
15 Department satisfactory evidence of successful completion of the two required courses, the
16 restricted license shall be automatically suspended effective eighteen (18) months after the date
17 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted
18 license, I have submitted the required evidence of course completion and the Commissioner has
19 given written notice to me of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years
23 after the date of the issuance of the preceding restricted license.

24 DATED this 26 day of February, 2003.

25 
26 Respondent - GREGORY BOLIN GARRETT
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1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent GREGORY BOLIN GARRETT if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 17th day of March, 20 03.

13 Real Estate Commissioner

14 John R. Liberator

17 BY: John R. Liberator
18 Chief Deputy Commissioner

1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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FILED
FEB 22 2003

DEPARTMENT OF REAL ESTATE

By: Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 GREGORY BOLIN GARRETT,)
13 Respondent.)
14

No. H- 8327 SF

STATEMENT OF ISSUES

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against GREGORY BOLIN GARRETT (hereinafter "Respondent"),
18 is informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about August 30, 2002, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to the conditions of Section 10153.4
25 of the Business and Professions Code.

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1 II

2 Complainant, LES R. BETTENCOURT, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity and not otherwise.

5 III

6 In response to Question 25 of said application, to wit:
7 "Have you ever been convicted of any violation of law?",
8 Respondent answered "No".

9 IV

10 On or about January 4, 1983, in the Municipal Court,
11 County of Alameda, Respondent was convicted of a violation of
12 Section 602(1) of the California Penal Code (Trespass - occupy
13 property without owner's consent), a misdemeanor involving moral
14 turpitude which bears a substantial relationship under Section
15 2910, Title 10, California Code of Regulations, to the
16 qualifications, functions, or duties of a real estate licensee.

17 V

18 On or about August 15, 1983, in the Municipal Court,
19 County of Alameda, Respondent was convicted of a violation of
20 Section 415 of the California Penal Code (Fighting, noise,
21 offensive words in a public place), a misdemeanor involving moral
22 turpitude which bears a substantial relationship under Section
23 2910, Title 10, California Code of Regulations, to the
24 qualifications, functions, or duties of a real estate licensee.

25 VI

26 On or about October 19, 1983, in the Municipal Court,
27 County of Alameda, Respondent was convicted of a violation of

1 Section 484 of the California Penal Code (Petty theft), a
2 misdemeanor involving moral turpitude which bears a substantial
3 relationship under Section 2910, Title 10, California Code of
4 Regulations, to the qualifications, functions, or duties of a
5 real estate licensee.

6 VII

7 The crimes of which Respondent was convicted, as
8 alleged in Paragraphs IV, V, and VI, collectively and/or
9 individually, constitute cause for denial of Respondent's
10 application for a real estate license under Sections 480(a) and
11 10177(b) of the California Business and Professions Code.

12 VIII

13 Respondent's failure to reveal the convictions set
14 forth in Paragraphs IV, V, and VI above in said application
15 constitutes the procurement of a real estate license by fraud,
16 misrepresentation, or deceit, or by making a material
17 misstatement of fact in said application, which failure is cause
18 for denial of Respondent's application for a real estate license
19 under Sections 480(c) and 10177(a) of the California Business and
20 Professions Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.

Les R. Bettencourt
LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 21st day of January, 2003.