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DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JESSTON E. HAINES,

Respondent

No. H- H-8534 SF

STIPULATION AND
WAIVER

I, JESSTON E. HAINES, 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 September 26, 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 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

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

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

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

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

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

21 DATED this 29 day of September, 2003.

22
23 
24 Respondent - JESSTON E. HAINES

25 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
26 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
27 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.

1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
2 respondent JESSTON E. HAINES if respondent has otherwise fulfilled all of the statutory requirements for
3 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing

4 Stipulation and Waiver.

5 This Order is effective immediately.

6 DATED this 2nd day of October, 2003.

9 Real Estate Commissioner

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FILED
SEP 26 2003

DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H- 8534 SF

12 JESSTON E. HAINES,)

STATEMENT OF ISSUES

13 Respondent.)
14

15 The Complainant, Steven J. Ellis, Northern Regional
16 Manager of the State of California, for Statement of Issues
17 against JESSTON E. HAINES (hereinafter "Respondent") alleges as
18 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 January 17, 2003 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 California Business and Professions Code.

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1 II

2 Complainant, Steven J. Ellis, Northern Regional Manager
3 of the State of California, makes this Statement of Issues in his
4 official capacity.

5 III

6 On or about May 20, 1994, in the Municipal Court of
7 Santa Cruz County Judicial District, County of Santa Cruz, State
8 of California, Respondent was convicted of violation of
9 California Vehicle Code Section 23103.5 (Wet Reckless), a crime
10 involving moral turpitude and/or which bears a substantial
11 relationship under Section 2910, Title 10, California Code of
12 Regulations (herein "the Regulations"), to the qualifications,
13 functions or duties of a real estate licensee.

14 IV

15 On or about June 30, 1994, in the Municipal Court of
16 Santa Cruz County Judicial District, County of Santa Cruz, State
17 of California, Respondent was convicted of violation of
18 California Business and Professions Code Section 25662(a) (Minor
19 in Possession of Alcohol), a crime involving moral turpitude
20 and/or which bears a substantial relationship under Section 2910
21 of the Regulations to the qualifications, functions or duties of
22 a real estate licensee.

23 V

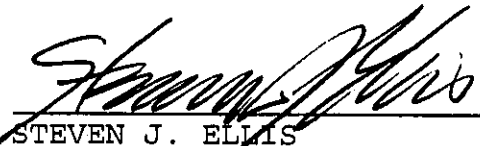
24 On or about October 13, 1999, in the Superior Court of
25 California, County of Santa Cruz, Respondent was convicted of
26 violation of California Vehicle Code Section 23103.5 (Wet
27 Reckless), a crime involving moral turpitude and/or which bears a

1 substantial relationship under Section 2910 of the Regulations to
2 the qualifications, functions or duties of a real estate
3 licensee.

4 VI

5 The crimes of which Respondent was convicted, as
6 alleged in Paragraphs III through V, above, constitute cause for
7 denial of Respondent's application for a real estate license
8 under Sections 480(a) and 10177(b) of the California Business and
9 Professions Code.

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

16
17 
18 STEVEN J. ELLIS
Northern Regional Manager

19 Dated at Oakland, California,
20 this 19th day of August, 2003.