

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
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FILED
MAR - 4 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. Zier

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

10 *In the Matter of the Application of*
11 JOSEPH JOHN BRADY

)
) No. H- 8641 SF

)
)
) **STIPULATION AND**
) **WAIVER**

13 Respondent)
14)

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

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on January 23, 2004, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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 requests that the Real Estate Commissioner in his 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.
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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
13 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
14 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
15 real estate appraisal. If I fail to timely present to the Department satisfactory evidence of
16 successful completion of the two required courses, the restricted license shall be automatically
17 suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not
18 be lifted unless, prior to the expiration of the restricted license, I have submitted the required
19 evidence of course completion and the Commissioner has given written notice to Respondent of
20 the lifting of the suspension.

21 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
22 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
23 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
24 years after the date of the issuance of the preceding restricted license.

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
26 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
27 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4 1-26-04

5 Dated


6 _____
7 JOSEPH JOHN BRADY, Respondent

8 ***

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

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
14 _____
15 respondent JOSEPH JOHN BRADY if respondent has otherwise fulfilled all of the statutory requirements
16 _____
17 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
18 _____
19 Stipulation and Waiver.

20 _____
21 This Order is effective immediately.

22 IT IS SO ORDERED February 10, 2004

23 _____
24 
25 JOHN R. LIBERATOR
26 Chief Deputy Commissioner
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1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED

JAN 23 2004

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)
12 JOSEPH JOHN BRADY,)
13 Respondent.)

No. H-8641 SF

STATEMENT OF ISSUES

14
15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against JOSEPH JOHN BRADY (hereinafter "Respondent"), is
18 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 July 9, 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 Business and Professions Code.

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II

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

III

On or about July 26, 2000, in the Superior Court, County of San Bernardino, State of California, Respondent was convicted of a violation of Section 655(a) of the California Harbors and Navigation Code (Endanger life, limb or property by reckless or negligent use of any vessel, water skis, aquaplane or similar device), a misdemeanor which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

On or about April 10, 2001, in the Superior Court, County of San Diego, State of California, Respondent was convicted of a violation of Section 23152(a) of the California Vehicle Code (Unlawfully driving a vehicle while under the influence of alcohol), a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

The crimes of which Respondent was convicted, as alleged in Paragraphs III through V, inclusive, collectively and/or individually, constitute cause for denial of Respondent's

1 application for a real estate license under Sections 480(a)
2 and/or 10177(b) of the California Business and Professions Code.

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

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11 LES R. BETTENCOURT
12 Deputy Real Estate Commissioner

13 Dated at Oakland, California,
14 this 20th day of January, 2004.
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