

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
APR 27 2005

DEPARTMENT OF REAL ESTATE

By L. Frost

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of) NO. H-9016 SF  
12 CLYDE JAMES STORMONT, )  
13 Respondent. ) STIPULATION  
14 ) AND WAIVER

15 It is hereby stipulated by and between CLYDE JAMES  
16 STORMONT (hereinafter "Respondent"), and the Complainant, acting  
17 by and through James L. Beaver, Counsel for the Department of  
18 Real Estate, as follows for the purpose of settling and disposing  
19 of the Statement of Issues filed on November 16, 2004 in this  
20 matter:

21 A. Respondent acknowledges that he has received and  
22 read the Statement of Issues and the Statement to Respondent  
23 filed by the Department of Real Estate in connection with his  
24 application for a real estate salesperson license. Respondent  
25 understands that the Real Estate Commissioner may hold a hearing  
26 on this Statement of Issues for the purpose of requiring further  
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1 proof of Respondent's honesty and truthfulness and to prove other  
2 allegations therein, or that he may in his discretion waive the  
3 hearing and grant Respondent a restricted real estate salesperson  
4 license based upon this Stipulation and Waiver. Respondent also  
5 understands that by filing the Statement of Issues in this matter  
6 the Real Estate Commissioner is shifting the burden to Respondent  
7 to make a satisfactory showing that Respondent meets all the  
8 requirements for issuance of a real estate salesperson license.  
9 Respondent further understands that by entering into this  
10 stipulation and waiver, Respondent will be stipulating that the  
11 Real Estate Commissioner has found that Respondent has failed  
12 to make such a showing, thereby justifying the denial of the  
13 issuance to Respondent of an unrestricted real estate salesperson  
14 license.

15  
16 B. Respondent is aware that by signing this  
17 Stipulation and Waiver, Respondent is waiving Respondent's right  
18 to a hearing and the opportunity to present evidence at the  
19 hearing to establish Respondent's rehabilitation in order to  
20 obtain an unrestricted real estate salesperson license if this  
21 Stipulation and Waiver is accepted by the Real Estate  
22 Commissioner. However, Respondent is not waiving Respondent's  
23 right to a hearing and to further proceedings to obtain a  
24 restricted or unrestricted license if this Stipulation and Waiver  
25 is not accepted by the Commissioner.  
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1           C. Respondent further understands that the following  
2           conditions, limitations, and restrictions will attach to a  
3           restricted license issued by the Department of Real Estate  
4           pursuant hereto:

5           1.    The license shall not confer any property right in  
6           the privileges to be exercised including the right of renewal,  
7           and the Real Estate Commissioner may by appropriate order suspend  
8           the right to exercise any privileges granted under this  
9           restricted license in the event of:

10           a.   The conviction of Respondent (including a plea of  
11           nolo contendere) to a crime which bears a substantial  
12           relationship to Respondent's fitness or capacity as a real estate  
13           licensee; or

14           b.   The receipt of evidence that Respondent has  
15           violated provisions of the California Real Estate Law, the  
16           Subdivided Lands Law, Regulations of the Real Estate  
17           Commissioner, or conditions attaching to this restricted license.  
18

19           2.   Respondent shall not be eligible to apply for the  
20           issuance of an unrestricted real estate license nor the removal  
21           of any of the conditions, limitations or restrictions attaching  
22           to the restricted license until two years have elapsed from the  
23           date of issuance of the restricted license to Respondent.

24           3.   With the application for license, or with the  
25           application for transfer to a new employing broker, Respondent  
26           shall submit a statement signed by the prospective employing  
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1 broker on a form approved by the Department of Real Estate  
2 wherein the employing broker shall certify as follows:

3 a. That broker has read the Statement of Issues which  
4 is the basis for the issuance of the restricted license; and

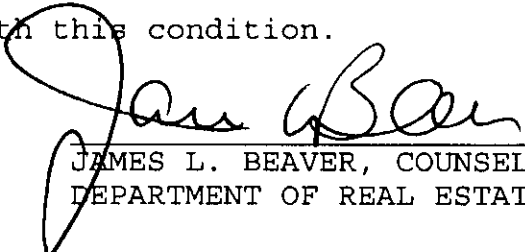
5 b. That broker will carefully review all transaction  
6 documents prepared by the restricted licensee and otherwise  
7 exercise close supervision over the licensee's performance of  
8 acts for which a license is required.

9 4. Respondent's restricted real estate salesperson  
10 license is issued subject to the requirements of Section 10153.4  
11 of the Business and Professions Code, to wit: Respondent shall,  
12 within eighteen (18) months of the issuance of the restricted  
13 license, submit evidence satisfactory to the Commissioner of  
14 successful completion, at an accredited institution, of two of  
15 the courses listed in Section 10153.2, other than real estate  
16 principles, advanced legal aspects of real estate, advanced real  
17 estate finance or advanced real estate appraisal. If Respondent  
18 fails to timely present to the Department satisfactory evidence  
19 of successful completion of the two required courses, the  
20 restricted license shall be automatically suspended effective  
21 eighteen (18) months after the date of its issuance. Said  
22 suspension shall not be lifted unless, prior to the expiration of  
23 the restricted license, Respondent has submitted the required  
24 evidence of course completion and the Commissioner has given  
25 written notice to Respondent of lifting of the suspension.  
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1                    5. Pursuant to Section 10154, if Respondent has not  
2 satisfied the requirements for an unqualified license under  
3 Section 10153.4, Respondent shall not be entitled to renew the  
4 restricted license, and shall not be entitled to the issuance  
5 of another license which is subject to Section 10153.4 until  
6 four years after the date of the issuance of the preceding  
7 restricted license.

8                    6. During the first year of the restricted license  
9 issued pursuant to this Stipulation and Waiver, Respondent shall  
10 enroll in and attend a substance abuse program that is  
11 appropriate to determine whether Respondent has a substance abuse  
12 problem and to address that problem. Respondent shall attend such  
13 substance abuse program on at least a weekly basis unless such  
14 attendance in any week was not possible due to the illness of  
15 Respondent or a member of Respondent's family or due to extreme  
16 personal hardship for Respondent. The Commissioner may, in the  
17 Commissioner's discretion, deny any application by Respondent for  
18 the issuance of an unrestricted real estate license or for the  
19 removal of any of the conditions, limitations or restrictions of  
20 a restricted license, unless, with such application, Respondent  
21 provides proof acceptable to the Real Estate Commissioner that  
22 Respondent has complied with this condition.

24                    March 17, 2004  
25                    DATED

26                      
27                    JAMES L. BEAVER, COUNSEL  
                     DEPARTMENT OF REAL ESTATE

\* \* \*

1                    I have read the Stipulation and Waiver and its terms  
2 are understood by me and are agreeable and acceptable to me. I  
3 understand that I am waiving rights given to me by the  
4 California Administrative Procedure Act (including but not  
5 limited to Sections 11506, 11508, 11509, and 11513 of the  
6 Government Code), and I willingly, intelligently, and  
7 voluntarily waive those rights, including the right of a  
8 hearing on the Statement of Issues at which I would have the  
9 right to cross-examine witnesses against me and to present  
10 evidence in defense and mitigation of the charges.

11 14 MARCH 2005  
12 DATED

*Clyde James Stormont*  
13 CLYDE JAMES STORMONT  
14 Respondent

\* \* \*

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

22                    Therefore, IT IS HEREBY ORDERED that a restricted real  
23 estate salesperson license be issued to Respondent CLYDE JAMES  
24 STORMONT, if Respondent has otherwise fulfilled all of the  
25 statutory requirements for licensure. The restricted license  
26 shall be limited, conditioned, and restricted as specified in the  
27 foregoing Stipulation and Waiver.

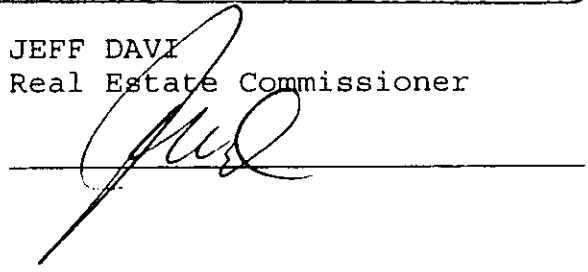
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This Order is effective immediately.

IT IS SO ORDERED 4-7, 2005.

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JEFF DAVIS  
Real Estate Commissioner



**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**  
JAN - 5 2005  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

*In the Matter of the Application of*

CLYDE JAMES STORMONT,

} Case No. H-9016 SF

} OAH No.

\_\_\_\_\_  
*Respondent*

**NOTICE OF HEARING ON APPLICATION**

***To the above named respondent:***

***You are hereby notified*** that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **WEDNESDAY, MARCH 23, 2005**, at the hour of **1:30 P.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

*Dated:* JANUARY 5, 2005

By *James L. Beaver*  
JAMES L. BEAVER, Counsel (2)

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)  
7

FILED  
NOV 16 2004

DEPARTMENT OF REAL ESTATE

By *Laurie A. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 CLYDE JAMES STORMONT, )  
13 Respondent. )

No. H-9016 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 CLYDE JAMES STORMONT (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 Respondent made application to the Department of Real  
25 Estate of the State of California for a real estate salesperson  
26 license on or about December 9, 2003 with the knowledge and  
27 understanding that any license issued as a result of said

1 application would be subject to the conditions of Section  
2 10153.4 of the California Business and Professions Code  
3 (hereinafter "the Code").

4 III

5 On or about July 10, 1997, in the Superior Court of  
6 the State of California, County of Sacramento, Respondent was  
7 convicted of the crime of Driving Under The Influence Of Alcohol  
8 With Three Priors in violation of Vehicle Code Section 23152(a),  
9 a felony and a crime involving moral turpitude which bears a  
10 substantial relationship under Section 2910, Title 10,  
11 California Code of Regulations (herein "the Regulations"), to  
12 the qualifications, functions or duties of a real estate  
13 licensee.

14 IV

15 On or about June 11, 1996, in the Municipal Court of  
16 the State of California, County of Yolo, Respondent was  
17 convicted of the crime of Driving Under The Influence Of Alcohol  
18 With two Priors in violation of Vehicle Code Section 23152(a),  
19 and of the crime of Driving With Suspended License With Two  
20 Priors in violation of Vehicle Code Section 14601.2(a), each a  
21 misdemeanor and a crime involving moral turpitude which bears a  
22 substantial relationship under Section 2910 of the Regulations  
23 to the qualifications, functions or duties of a real estate  
24 licensee.

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1 V

2 On or about June 21, 1994, in the Municipal Court of  
3 the State of California, County of Yolo, Respondent was  
4 convicted of the crime of Driving Under The Influence Of Alcohol  
5 in violation of Vehicle Code Section 23152(a), a misdemeanor and  
6 a crime involving moral turpitude which bears a substantial  
7 relationship under Section 2910 of the Regulations to the

8 VI

9 On or about October 14, 1992, in the Municipal Court  
10 of the State of California, County of Yolo, Respondent was  
11 convicted of the crime of Driving Under The Influence Of Alcohol  
12 in violation of Vehicle Code Section 23152(a), a misdemeanor and  
13 a crime involving moral turpitude which bears a substantial  
14 relationship under Section 2910 of the Regulations to the

15 VII

16 Respondent's criminal convictions described in  
17 Paragraphs III through VI, inclusive, above, individually and  
18 collectively constitute cause for denial of Respondent's  
19 application for a real estate license under Sections 480(a) and  
20 10177(b) of the California Business and Professions Code.

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

7  
8   
9 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

10 Dated at Oakland, California,  
11 this 2nd day of November, 2004.