

1 Bureau of Real Estate
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FILED

JAN 06 2016

BUREAU OF REAL ESTATE

By H dew

8 **BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 ***

11 *In the Matter of the Application of*
12 **JOE ANTHONY STEVENSON,**
13 **Respondent.**

H-11863 SF
STIPULATION AND WAIVER

15 **JOE ANTHONY STEVENSON** ("Respondent") does hereby affirm that on April 1,
16 2014 he applied to the Bureau of Real Estate ("Bureau") for a real estate broker license and that to
17 the best of his knowledge he satisfied all of the statutory requirements for the issuance of the
18 license, including the payment of the fee therefore.

19 **FACTUAL BASIS**

20 1.

21 On or about March 23, 1999, in the Superior Court of the State of California, County
22 of Yolo, Case No. 98-8072, Respondent was convicted of violating Section 10501(a) (making a
23 false report of a vehicle theft) and Section 23013 under Section 23103.5 (reckless driving reduced
24 from driving under the influence) of the California Vehicle Code, both misdemeanors which bear a
25 substantial relationship under Section 2910, Title 10 of the California Code of Regulations
26 ("Regulations") to the qualifications, functions, and/or duties of a real estate licensee.

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2.

On or about November 9, 2010, in the Superior Court of the State of California, County of Alameda, Case No. 238900, Respondent was convicted of violating Section 23013 under Section 23103.5 (reckless driving reduced from driving under the influence) of the California Vehicle Code, a misdemeanor which bears a substantial relationship under Section 2910, Title 10 of the Regulations to the qualifications, functions, and/or duties of a real estate licensee.¹

3.

On or about January 7, 2011, in the Superior Court of the State of California, County of Alameda, Case No. 431966, Respondent was convicted of violating Section 243(e)(1) (battery against a spouse or cohabitant) of the California Penal Code, a misdemeanor which bears a substantial relationship under Section 2910, Title 10 of the Regulations to the qualifications, functions, and/or duties of a real estate licensee.²

GROUND FOR DENIAL

The crimes for which Respondent was convicted, as alleged at Paragraphs 1, 2, and 3, above, constitute grounds under Sections 480(a), 10177(b) (conviction of a substantially related crime and/or crimes), and/or 10177(j) (conduct which constitutes fraud or dishonest dealing) of the Business and Professions Code ("Code") for the denial of Respondent's application for an unrestricted real estate license.

TERMS AND CONDITIONS

Respondent understands that the Real Estate Commissioner ("Commissioner") may hold a hearing regarding the matters discussed above for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that the

¹ On or about October 7, 2015, in the Superior Court for the State of California, County of Alameda, Case No. 238900, the conviction alleged at Paragraph No. 2, above, was ordered dismissed pursuant to Section 1203.4 of the California Penal Code.

² On or about November 1, 2013, in the Superior Court for the State of California, County of Alameda, Case No. 431966, the conviction alleged at Paragraph 3, above, was ordered dismissed pursuant to Section 1203.4 of the California Penal Code.

1 Commissioner may waive the hearing and grant Respondent a restricted real estate broker license
2 based upon this Stipulation and Waiver. Respondent also understands that by entering into this
3 Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
4 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
5 of a real estate broker license thereby justifying the denial of the issuance to him of an unrestricted
6 real estate broker license.

7 Respondent hereby admits the above Factual Basis is true and correct and requests
8 that the Commissioner issue a restricted real estate broker license to Respondent under the
9 authority of Section 10156.5 of the Code. Respondent understands that any such restricted license
10 will be issued subject to the provisions of and limitations to Sections 10156.6 and 10156.7 of the
11 Code.

12 Respondent is aware that by signing this Stipulation and Waiver, and if this
13 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a
14 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order
15 to obtain an unrestricted real estate broker license. Respondent is not waiving his right to a
16 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
17 and Waiver is not accepted by the Commissioner.

18 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
19 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
20 removed only by filing a Petition for Removal of Restrictions ("Petition") with the Real Estate
21 Commissioner, and that Respondent's Petition must follow the procedures set forth in Government
22 Code Section 11522.

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

- 26 1. The license shall not confer any property right in the privileges to be
27 exercised and the Commissioner may by appropriate order suspend the

1 right to exercise any privileges granted under this restricted license in the
2 event of:


- 3 a. Respondent's conviction (including a plea of *nolo contendere*) of a
4 crime which bears a substantial relationship to Respondent's fitness or
5 capacity as a real estate licensee; or,
- 6 b. The receipt of evidence that Respondent has violated provisions of the
7 California Real Estate Law, the Subdivided Lands Law, the Regulations
8 of the Commissioner, or conditions attaching to this restricted license.
- 9 2. Respondent shall not be eligible to apply for the issuance of an unrestricted
10 real estate license nor the removal of any of the conditions, limitations, or
11 restrictions attaching to the restricted real estate license until two (2) years
12 have elapsed from the date of issuance of the restricted real estate license to
13 Respondent.
- 14 3. Respondent shall notify the Commissioner in writing within 72 hours of any
15 arrest by sending a certified letter to the Commissioner at the Bureau of Real
16 Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall
17 set forth the date of Respondent's arrest, the crime for which Respondent was
18 arrested, and the name and address of the arresting law enforcement agency.
19 Respondent's failure to timely file written notice shall constitute an
20 independent violation of the terms of the restricted license and shall be grounds
21 for the suspension or revocation of that license.

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

1 examine witnesses against Respondent and to present evidence in defense and mitigation of the
2 charges.

3 Respondent can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to
5 the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that
6 by electronically sending to the Bureau a faxed copy of Respondent's actual signature as it appears
7 on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on
8 Respondent as if the Bureau had received the original signed Stipulation and Waiver.

9 30 OCT 2015
10 Dated


10 JOE ANTHONY STEVENSON, Respondent

11 *I have reviewed the Stipulation and Agreement as to form and content and have*
12 *advised my client accordingly.*

13 11-4-15
14 DATED


15 KAREN M. GOODMAN, Attorney for Respondent

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

20 Therefore IT IS HEREBY ORDERED that a restricted real estate broker license be
21 issued to Respondent JOE ANTHONY STEVENSON if Respondent has otherwise fulfilled all of
22 the statutory requirements for licensure. The restricted license shall be limited, conditioned, and
23 restricted as specified in the foregoing Stipulation and Waiver.

24 This Order is effective immediately.
25 IT IS SO ORDERED DECEMBER 21, 2015

26 Real Estate Commissioner


27 By: JEFFREY MASON
Chief Deputy Commissioner