

FILED

DEC 28 2015

BUREAU OF REAL ESTATE

By S. Black

Bureau of Real Estate
P.O. BOX 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670
Fax: (916) 263-3767

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

RODGER PENN ALLEN, JR.,

Respondent.

) Case No. H-11866 SF

) STIPULATION AND WAIVER

It is hereby stipulated by and between RODGER PENN ALLEN, JR.
("Respondent") and Respondent's attorney, Mary Work, Esq., and the Complainant, acting by and
through Annette E. Ferrante, Esq., Counsel for the Bureau of Real Estate ("the Bureau"), as follows
for the purpose of settling and disposing of the Statement of Issues filed on July 20, 2015 in this
matter:

Respondent acknowledges that Respondent has received and read the Statement of
Issues and the Statement to Respondent filed by the Bureau in connection with Respondent's
application for a real estate salesperson license. Respondent understands that the Real Estate
Commissioner may hold a hearing on the Statement of Issues for the purpose of requiring further
proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he
may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson
license based upon this Stipulation and Waiver. Respondent also understands that by filing the

///

1 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to
2 Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance
3 of a real estate salesperson license. Respondent further understands that by entering into this
4 stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner has found
5 that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
6 Respondent of an unrestricted real estate salesperson license.

7 Respondent hereby admits that the allegations of the Statement of Issues filed
8 against Respondent are true and correct and requests that the Real Estate Commissioner in his
9 discretion issue a restricted real estate salesperson license to Respondent under the authority of
10 Section 10156.5 of the Business and Professions Code ("the Code").

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

27 ///

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

5 a. Respondent's conviction (including a plea of nolo contendere) of a
6 crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate
7 licensee; or

8 b. The receipt of evidence that Respondent has violated provisions of
9 the Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or conditions
10 attaching to this restricted license.

11 2. Respondent shall not be eligible to petition for the issuance of an
12 unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions
13 attaching to the restricted real estate license until two (2) years have elapsed from the date of
14 issuance of the restricted real estate license to Respondent.

15 3. With the application for license, or with the application for transfer to a new
16 employing broker, Respondent shall submit a statement signed by the prospective employing broker
17 on a form approved by the Bureau wherein the employing broker shall certify as follows:

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

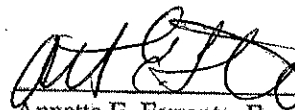
20 b. That the broker will carefully review all transaction documents
21 prepared by the restricted licensee and otherwise exercise close supervision over the licensee's
22 performance of acts for which a license is required.

23 4. Respondent shall notify the Commissioner in writing within 72 hours of any
24 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, P.O. Box
25 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the
26 crime for which Respondent was arrested and the name and address of the arresting law

27 ///

1 enforcement agency. Respondent's failure to timely file written notice shall constitute an
2 independent violation of the terms of the restricted license and shall be grounds for the suspension
3 or revocation of that license.

4 10/20/15
5 Dated

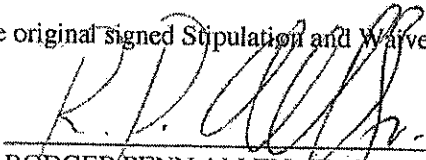

Annette E. Ferrante, Esq.
Counsel for Bureau of Real Estate

7 * * *

8 Respondent has read this Stipulation and Waiver and its terms are understood by
9 Respondent and agreeable and acceptable to Respondent. Respondent understands that Respondent
10 is waiving rights given to Respondent by the APA (including, but not limited to, Government Code
11 Sections 11504, 11506, 11508, 11509, and 11513), and willingly, intelligently, and voluntarily
12 waives those rights, including the right to a hearing on a Statement of Issues at which Respondent
13 would have the right to cross-examine witnesses against Respondent and to present evidence in
14 defense and mitigation of the charges.

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

21 10/20/2015
22 Dated


RODGER PENN ALLEN, JR., Respondent

24 I have reviewed this Stipulation and Waiver as to form and content and have advised
25 my client accordingly.

26 10/20/15
27 Dated


Mary Work, Esq., Attorney for Respondent

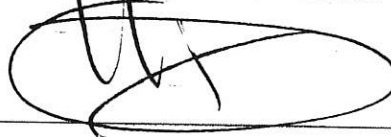
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public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

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

This Order is effective immediately.

IT IS SO ORDERED **DECEMBER 24, 2015**

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be 'J. Mason', is written over a horizontal line.

By: JEFFREY MASON
Chief Deputy Commissioner