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

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Telephone: (916) 263-8670

FILED

JAN 10 2017 BUREAU OF REAL ESTATE By B. Michilas

BUREAU OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Application of:

COOPER ALLEN EISENMANN,

Respondent.

NO. H-11994 SF

STIPULATION AND WAIVER

It is hereby stipulated by and between COOPER ALLEN EISENMANN (hereinafter "Respondent"), acting by and through Zachary N. Scalzo, Counsel for Respondent, and the Complainant, acting by and through Jason D. Lazark, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on August 12, 2016 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Bureau of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this 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

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burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the

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

Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this
Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not
waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or
unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.
Respondent further understands that the following conditions, limitations, and restrictions will
attach to a restricted license issued by the Bureau of Real Estate pursuant hereto:

- 1. The restricted license issued to Respondent shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - a. Respondent's conviction (including a plea of guilty or nolo contendere) of a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or

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- b. The receipt of evidence that Respondent has violated provisions of the California
 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
 Commissioner or conditions attaching to this restricted license.
- 2. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.
- 3. Respondent shall not be eligible to petition for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions of a restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
- 4. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Bureau of Real Estate wherein the employing broker shall certify as follows:
 - a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
 - b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

12 7 16 Dated

JASON D. LAZARK, Counsel

Bureau of Real Estate

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

Respondent can signify acceptance and approval of the terms and conditions of this

Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to
the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that
by electronically sending to the Bureau a fax copy of her actual signature as it appears on the

Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on

Respondent as if the Bureau had received the original signed Stipulation and Waiver.

|2-|-|6 | Dated

COOPER ALLEN EISENMANN, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

12-1-16

DATED

Laclemy M. Allyo Vachary N. Scalzo

Attorney for Respondent,

COOPER ALLEN EISENMANN

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(Rev. 9/13)

* * *

RE 511C (Rev. 9/13) 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

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WAYNE BELL REAL ESTATE COMMISSIONER

Daniel 1 Sant.

By: DANIEL J. SANDRI Chief Deputy Commissioner