

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

4 Telephone: (916) 263-8670

FILED

JAN 10 2017

BUREAU OF REAL ESTATE

By B. Nicholas

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

11 *In the Matter of the Application of:*

12
13 COOPER ALLEN EISENMANN,
14 Respondent.

NO. H-11994 SF

STIPULATION AND WAIVER

16 It is hereby stipulated by and between COOPER ALLEN EISENMANN (hereinafter
17 "Respondent"), acting by and through Zachary N. Scalzo, Counsel for Respondent, and the
18 Complainant, acting by and through Jason D. Lazark, Counsel for the Bureau of Real Estate, as
19 follows for the purpose of settling and disposing of the Statement of Issues filed on August 12,
20 2016 in this matter:

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

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

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

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

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

23 a. Respondent's conviction (including a plea of guilty or nolo contendere) of a crime
24 which bears a substantial relationship to Respondent's fitness or capacity as a real estate
25 licensee; or
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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.

12-1-16

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


Zachary N. Scalzo

Attorney for Respondent,
COOPER ALLEN EISENMANN

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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

1/6/17

WAYNE BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner