

1 Bureau of Real Estate
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FILED

JAN 31 2018
BUREAU OF REAL ESTATE
By B. Nicholas

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

11 * * *

12 *In the Matter of the Application of*

13 LEWIS CHARLES SANDERS, III,

14 Respondent.

H-12184 SF

STIPULATION AND WAIVER
(Per Business and Professions Code § 10100.4)

15 LEWIS CHARLES SANDERS, III, ("Respondent") does hereby affirm that on July
16 20, 2016, he applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license
17 and that to the best of his knowledge he satisfied all of the statutory requirements for the issuance of
18 the license, including the payment of the fee therefore.

19 **FACTUAL BASIS**

20 On or about July 18, 1997, in the Superior Court of the State of California, County
21 of Santa Clara, Case No.C9619057, Respondent was convicted of violating Penal Code sections
22 488 (petty theft) and 502.8(a)(use of a device to avoid fee), both misdemeanors.

23 On or about October 31, 2002, in the Superior Court of the State of California,
24 County of Gilroy, Case No.FF201038, Respondent was convicted of violating Vehicle Code section
25 12500(a) (driving without a license) a misdemeanor.

26 On or about December 5, 2003, in the Superior Court of the State of California,
27 County of Alameda, Case No.136802/448264, Respondent was convicted of violating Health and

1 Safety Code section 11359 (possession of marijuana for sale), a felony.

2 On or about April 6, 2005, in the Superior Court of the State of California, County
3 of Alameda, Case No.504748, Respondent was convicted of violating Vehicle Code section
4 23152(b) (DUI), a misdemeanor.

5 On or about March 7, 2007, in the Superior Court of the State of California, County
6 of Alameda, Case No.525276, Respondent was convicted of violating Vehicle Code section
7 23152(b) (DUI w/prior), a misdemeanor.

8 On or about May 30, 2008, in the Superior Court of the State of California, County
9 of Alameda, Case No.158273, Respondent was convicted of violating Penal Code section 12021
10 (possession of a firearm), a misdemeanor. This conviction has been expunged.

11 These crimes bear a substantial relationship under Section 2910, Title 10, of the
12 California Code of Regulations ("Regulations"), to the qualifications, functions, or duties of a real
13 estate licensee.

14 GROUND FOR DENIAL

15 Respondent's criminal convictions constitute grounds under Sections 480(a) and
16 10177(b) of the Code for the denial of Respondent's application for an unrestricted real estate
17 license.

18 TERMS AND CONDITIONS

19 Respondent understands that the Real Estate Commissioner ("Commissioner") may
20 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
21 Respondent's honesty and truthfulness and to prove other allegations therein, or that the
22 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson
23 license based upon this Stipulation and Waiver. Respondent also understands that by entering into
24 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
25 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
26 of a real estate salesperson license thereby justifying the denial of the issuance to him of an
27 unrestricted real estate salesperson license.

1 Respondent hereby admits the above Factual Basis is true and correct and requests
2 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
3 authority of section 10100.4 and 10156.5 of the Code. I understand that any such restricted license
4 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the
5 Code.

6 Respondent is aware that by signing this Stipulation and Waiver, and if this
7 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a
8 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in order
9 to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to a
10 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
11 and Waiver is not accepted by the Commissioner.

12 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
13 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
14 removed only by filing a Petition for Removal of Restrictions ("petition") with the Commissioner,
15 and that Respondent's petition must follow the procedures set forth in Government Code Section
16 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to
17 the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the
18 Bureau.

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

22 1. The license shall not confer any property right in the privileges to be
23 exercised and the Commissioner may by appropriate order suspend the right to exercise any
24 privileges granted under this restricted license in the event of:

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

1 b. The receipt of evidence that Respondent has violated provisions of
2 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
3 conditions attaching to this restricted license.

4 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
5 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to
6 the restricted real estate license until three (3) years have elapsed from the date of issuance of the
7 restricted real estate license to Respondent. Respondent shall not be eligible to apply for any
8 unrestricted licenses until all restrictions attaching to the license have been removed.

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

12 a. That broker has read the Stipulation and Waiver which is the basis for the
13 issuance of the restricted license; and

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

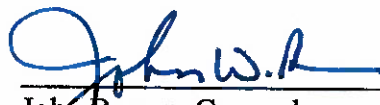
17 4. Respondent shall notify the Commissioner in writing within 72 hours of any
18 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
19 Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's
20 arrest, the crime for which Respondent was arrested and the name and address of the arresting law
21 enforcement agency. Respondent's failure to timely file written notice shall constitute an
22 independent violation of the terms of the restricted license and shall be grounds for the suspension
23 or revocation of that license.

24 1/3/18

25 Dated

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John Barron, Counsel
Bureau of Real Estate

1 ***

2 Respondent has read the Stipulation and Waiver and its terms are understood by
3 Respondent and agreeable and acceptable to Respondent. Respondent understands that Respondent
4 is waiving rights given to Respondent by the California Administrative Procedure Act (including,
5 but not limited to, California Government Code sections 11504, 11506, 11508, 11509, and 11513),
6 and willingly, intelligently, and voluntarily waives those rights, including, but not limited to, the
7 right to a hearing on a Statement of Issues at which she would have the right to cross-examine
8 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

9
10 12-26-17

11 Dated

Lewis Charles Sanders III
12 LEWIS CHARLES SANDERS, III, Respondent

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

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

21 This Order is effective immediately.

22 IT IS SO ORDERED

1/26/18

23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

25
26 Daniel J. Sandri

27 By: DANIEL J. SANDRI
Chief Deputy Commissioner