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3 **FILED**

4 OCT 23 2019

5 DEPARTMENT OF REAL ESTATE  
6 By B. Nicholas

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of

12 ERIC F. BRODRICK,

13 Respondent.

DRE No. H-12375 SF

OAH No. 2019040841

14 STIPULATION AND WAIVER

15 AND DECISION AFTER REJECTION

16 This matter came on for hearing before Michael A. Scarlett, Administrative Law  
17 Judge, Office of Administrative Hearings, State of California, Sacramento, California, on June  
18 13, 2019.

19 Kyle T. Jones, Counsel, represented the Complainant, Robin S. Tanner, in her  
20 official capacity as a Supervising Special Investigator with the Department of Real Estate ("the  
21 Department"). Respondent, ERIC F. BRODRICK, appeared and was represented by Andrew  
22 Cantor.

23 Evidence was received, the record was closed, and the matter was submitted on  
24 June 13, 2019.

25 On July 15, 2019, the Administrative Law Judge rendered a Proposed Decision  
26 which the Real Estate Commissioner (hereinafter "the Commissioner") declined to adopt as his  
27 Decision herein. Pursuant to Section 11517 of the Government Code of the State of California,

1 Respondent was served with notice of the Commissioner's determination not to adopt the  
2 Proposed Decision along with a copy of the Proposed Decision. Respondent was notified that  
3 the case would be decided by the Commissioner upon the record, the transcript of proceedings,  
4 and upon written argument offered by Respondent and Complainant.

5 Written argument was submitted by Respondent. Written argument was not  
6 submitted on behalf of Complainant. The parties wish to settle this matter without further  
7 proceedings.

8 The following shall constitute the Decision of the Commissioner in these  
9 proceedings.

10 The Findings of Fact and Legal Conclusions in the Proposed Decision dated July  
11 15, 2019, and attached hereto as Exhibit A are hereby adopted in full as part of this Decision.

12 Pursuant to Section 11517(c)(2)(E) of the California Government Code, the  
13 Order in the Proposed Decision dated July 15, 2019, is hereby amended as follows:

14 ORDER

15 Respondent's application for a real estate salesperson license is denied;  
16 provided, however, a restricted real estate salesperson license shall be issued to  
17 Respondent pursuant to Section 10156.5 of the Business and Professions Code ("the  
18 Code"). The restricted license issued to the Respondent shall be subject to all of the  
19 provisions of Section 10156.7 of the Business and Professions Code and to the following  
20 limitations, conditions and restrictions imposed under authority of Section 10156.6 of  
21 said Code:

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

25 (a) The conviction of Respondent (including a plea of nolo contendere)  
26 of a crime which is substantially related 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 Real Estate  
3 Commissioner or conditions attaching to this restricted license.

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

8                   3. With the application for license, or with the application for transfer to a  
9 new employing broker, Respondent shall submit a statement signed by the prospective  
10 employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department  
11 of Real Estate which shall certify as follows:

12                   (a) That the employing broker has read the Decision which is the basis  
13 for the issuance of the restricted license; and

14                   (b) That the employing broker will carefully review all transaction  
15 documents prepared by the restricted licensee and otherwise exercise close supervision  
16 over the licensee's performance of acts 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 Department of Real Estate, Post  
19 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
20 Respondent's arrest, the crime for which Respondent was arrested and the name and address  
21 of the arresting law enforcement agency. Respondent's failure to timely file written notice  
22 shall constitute an independent violation of the terms of the restricted license and shall be  
23 grounds for the suspension or revocation of that license.

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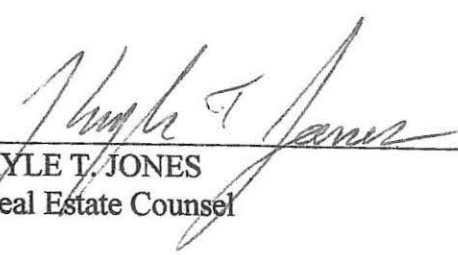
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1  
2 DATED

10/4/2019


  
KYLE T. JONES  
Real Estate Counsel

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4 \* \* \*

5 I have read the Stipulation and Waiver and Decision After Rejection and its terms  
6 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
7 rights given to me by the Administrative Procedure Act, and I willingly, intelligently, and  
8 voluntarily waive those rights.


9  
10 DATED

10/3/19

  
ERIC F. BRODRICK  
Respondent

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

14 10/3/19  
15 DATED

  
ANDREW CANTOR  
Attorney for Respondent

16  
17 \* \* \*

18  
19 The foregoing Stipulation and Waiver and Decision After Rejection is hereby  
20 adopted as my Decision and Order in this matter and shall become effective at 12 o'clock noon  
21 on NOV 13 2019.

22  
23 IT IS SO ORDERED October 21, 2019.

24 DANIEL J. SANDRI  
25 ACTING REAL ESTATE COMMISSIONER

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