

FILED

JAN 28 2021

DEPARTMENT OF REAL ESTATE
By: J. Taggart

1 Department of Real Estate
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8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of)
12 ROBERT CHASE FONTAINE,)
13 Respondent.)
14

DRE No. H-12502 SF

13 **STIPULATION AND WAIVER**
14 (B&P 10100.4)

15 ROBERT CHASE FONTAINE, ("Respondent") does hereby affirm that on January
16 4, 2019, he applied to the Department of Real Estate ("Department") for a real estate salesperson
17 license, and that to the best of his knowledge he satisfied all of the statutory requirements for the
18 issuance of the license, including, but not limited to, the payment of the fee therefore.

19 FACTUAL BASIS

20 On or about July 27, 2015, in the United States District Court, Middle District of
21 Florida, Case No. 3:12-cr-131-J-32JBT, Respondent was convicted of violating 21 U.S.C. §§ 841
22 (a)(1), 841 (b)(1)(C), and 846.

23 GROUND FOR DENIAL

24 Respondent's criminal convictions constitutes grounds under Sections 480 (a) and
25 10177 (b) of the Business and Professions Code ("Code") for the denial of Respondent's
26 application for an unrestricted real estate salesperson license.

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1 TERMS AND CONDITIONS

2 Respondent understands that the Real Estate Commissioner ("Commissioner") may
3 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
4 Respondent's honesty and truthfulness and to prove other allegations therein, or that the
5 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson
6 license based upon this Stipulation and Waiver. Respondent also understands that by entering into
7 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
8 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
9 of a real estate salesperson license thereby justifying the denial of the issuance to her of an
10 unrestricted real estate salesperson license.

11 Respondent hereby admits the above Factual Basis is true and correct and requests
12 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
13 authority of section 10100.4 and 10156.5 of the Code. Respondent understands that any such
14 restricted license will be issued subject to the provisions of and limitations of sections 10156.6 and
15 10156.7 of the Code.

16 Respondent understands that by signing this Stipulation and Waiver, provided this
17 Stipulation and Waiver is accepted and signed by the Commissioner, the Commissioner will not
18 file a Statement of Issues based on the grounds herein, and Respondent is waiving his right to a
19 hearing and the opportunity to present evidence at the hearing to establish her rehabilitation in
20 order to obtain an unrestricted real estate salesperson license. Respondent is not waiving his right to
21 a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation
22 and Waiver is not accepted by the Commissioner.

23 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
24 limitations, and restrictions imposed on Respondent's restricted salesperson license, identified below, may
25 be removed only by filing a Petition for Removal of Restrictions ("Petition") with the Commissioner, and
26 that Respondent's Petition must follow the procedures set forth in Government Code Section 11522.

27 Respondent understands that this Stipulation and Waiver, which was executed pursuant to

1 the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the
2 Department.

3 Respondent further understands that the restricted salesperson license issued to
4 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
5 following limitations, conditions, and restrictions imposed under the authority of Section 10156.6
6 of the Code:

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

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

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

16 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
17 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to
18 the restricted real estate salesperson license until two (2) years have elapsed from the date of issuance
19 of the restricted real estate license to Respondent. Respondent shall not be eligible to apply for any
20 unrestricted licenses until all restrictions attaching to the license have been removed.

21 3. With the application for license, or with the application for transfer to a new
22 employing broker, Respondent shall submit a statement signed by the prospective employing broker
23 on a form approved by the Department wherein the employing broker shall certify as follows:

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

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

4 4. Respondent shall notify the Commissioner in writing within 72 hours of any
5 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
6 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
7 Respondent's arrest, the crime for which Respondent was arrested and the name and address of the
8 arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute
9 an independent violation of the terms of the restricted license and shall be grounds for the
10 suspension or revocation of that license.

11
12 12-8-2020

13 DATED

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13 MEGAN LEE OLSEN, Counsel
14 Department of Real Estate

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16 Respondent has read the Stipulation and Waiver, and its terms are understood by
17 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
18 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,
19 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and
20 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited
21 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to
22 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of
23 the charges.

24 12-3-2020

25 DATED

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25 ROBERT CHASE FONTAINE
26 Respondent

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I have read 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 salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 1.7.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley