

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

4 Telephone: (916) 576-8700

FILED
SEP 20 2022
DEPARTMENT OF REAL ESTATE
By J. Taggart

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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 JO ANN DAVIS,

13 Respondent.

H-12604 SF

STIPULATION AND WAIVER

(Per Business and Professions Code § 10100.4)

14
15 JO ANN DAVIS, ("Respondent") does hereby affirm that on November 5, 2021,
16 she applied to the Department of Real Estate ("Department") for a real estate salesperson license
17 and that to the best of her knowledge she satisfied all of the statutory requirements for the
18 issuance of the license, including the payment of the fee therefore.

19 **FACTUAL BASIS**

20 On or about October 19, 2016, pursuant to a Stipulated Settlement with the
21 California Contractor State License Board ("CSLB"), Case No. N2015 133, Respondent was
22 placed on probation for three years and was required to post a \$15,000 cash deposit or have a
23 disciplinary bond on file. The discipline was based on Respondent violating Business and
24 Professions Code Sections: 1) 7109(a) (willful departure from trade standards); 2) 7109(b)
25 (willful departure from or disregard of plans or specifications); 3) 7113 (breach of contract); 4)
26 7117.5(c) (acting as a contractor under expired license); 5) 7119 (willful failure or refusal
27 without legal excuse to prosecute construction contract); 6) 7125.4(a) (failure to secure worker's

1 compensation insurance for employees); 7) 7121 (employment of revoked licensee in a
2 supervisory position); and 8) 7159 (failure to comply with home improvement contract law).

3 On or about November 21, 2019, pursuant to a Stipulated Settlement with the
4 CSLB, Case No. N2015 133, Respondent was placed on probation for four years and was
5 required to post a \$15,000 cash deposit or have a disciplinary bond on file for violating the terms
6 of the 2016 CSLB Stipulated Settlement.

7 GROUND FOR DENIAL

8 Respondent's criminal convictions constitute grounds under Sections 480 and
9 10177(f) of the Business and Professions Code ("Code") for the denial of Respondent's
10 application for an unrestricted real estate license.

11 TERMS AND CONDITIONS

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

21 Respondent hereby admits the above Factual Basis is true and correct and
22 requests that the Commissioner issue a restricted real estate salesperson license to Respondent
23 under the authority of section 10100.4 and 10156.5 of the Code. Respondent understands that
24 any such restricted license will be issued subject to the provisions of and limitations of sections
25 10156.6 and 10156.7 of the Code.

26 Respondent is aware that by signing this Stipulation and Waiver, and if this
27 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving his right to a

1 hearing and the opportunity to present evidence at the hearing to establish his rehabilitation in
2 order to obtain an unrestricted real estate salesperson license. Respondent is not waiving his
3 right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this
4 Stipulation and Waiver is not accepted by the Commissioner.

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

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

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

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

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

25 2. Respondent shall not be eligible to petition for the issuance of an
26 unrestricted real estate license nor the removal of any of the conditions, limitations, or
27 restrictions attaching to the restricted real estate license until three (3) years have elapsed from

1 the date of issuance of the restricted real estate license to Respondent. Respondent shall not be
2 eligible to apply for any unrestricted licenses until all restrictions attaching to the license have
3 been removed.

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

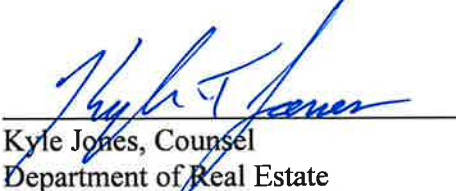
8 a. That broker has read the Stipulation and Waiver which is the basis for the
9 issuance of the restricted license; and

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

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

20 8/17/22
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22 Dated

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24 Kyle Jones, Counsel
25 Department of Real Estate

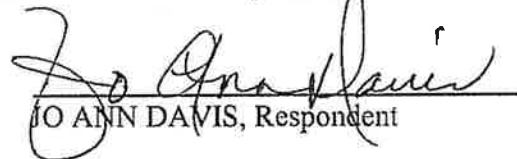
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27 Respondent has read the Stipulation and Waiver and its terms are understood by
Respondent and agreeable and acceptable to Respondent. Respondent understands that
Respondent is waiving rights given to Respondent by the California Administrative Procedure
Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,

1 11509, and 11513), and willingly, intelligently, and voluntarily waives those rights, including,
2 but not limited to, the right to a hearing on a Statement of Issues at which Respondent would
3 have the right to cross-examine witnesses against Respondent and to present evidence in defense
4 and mitigation of the charges.

5 Respondent can signify acceptance and approval of the terms and conditions of
6 this Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed
7 by Respondent, to the Department counsel assigned to this case. Respondent agrees,
8 acknowledges and understands that by electronically sending the Department a scan of
9 Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the scan
10 by the Department shall be binding on Respondent as if the Department had received the original
11 signed Stipulation and Waiver.

12 Dated September 7, 2022


JO ANN DAVIS, Respondent

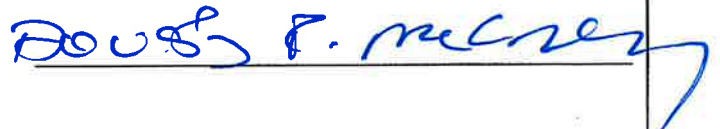
13 I have read the foregoing Stipulation and Waiver signed by Respondent. I am
14 satisfied that the hearing for the purpose of requiring further proof as to the honesty and
15 truthfulness of Respondent need not be called and that it will not be inimical to the public interest
16 to issue a restricted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

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

21 This Order is effective immediately.

22 IT IS SO ORDERED 9.16.22

23
24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER

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