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FILED

OCT 06 2022

DEPARTMENT OF REAL ESTATE

By B. McDermott

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

10 *In the Matter of the Application of*

11 DOMINIC MAES,

12 Respondent.

H-12622 SF

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

14 DOMINIC MAES (Respondent), does hereby affirm that on September 21, 2021, he
15 applied to the Department of Real Estate (Department) for a real estate salesperson license and that
16 to the best of his knowledge he satisfied all of the statutory requirements for the issuance of the
17 license, including the payment of the fee therefore.

18 **FACTUAL BASIS**

19 **Criminal Convictions**

20 On or about February 21, 2017, in Santa Barbara County Superior Court, case
21 17CR01075, Respondent was convicted of Section 485 of the Penal Code (theft/misappropriation
22 of lost property), a crime which bears a substantial relationship under Section 2910, Chapter 6,
23 Title 10, California Code of Regulations (Regulations) to the qualifications, functions or duties of a
24 real estate licensee.

25 On or about July 11, 2017, in Santa Barbara County Superior Court, case
26 17CR06893, Respondent was convicted of Section 602(m) the Penal Code (trespass), a crime
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1 which bears a substantial relationship under Section 2910 of the Regulations to the qualifications,
2 functions or duties of a real estate licensee.

3 Application History

4 On or about May 3, 2019, Respondent applied for a real estate salesperson license.
5 On November 6, 2019, Statement of Issues H-6895 SAC was filed seeking to deny Respondent's
6 application based on the convictions identified above. Effective April 22, 2020, after an
7 administrative hearing, Respondent's application was denied for violation of Sections 480(a)(1)
8 and 10177(b) of the Business and Professions (Code).

9 GROUND FOR DENIAL

10 Respondent's criminal conviction constitutes grounds under Section's 480(a) and
11 10177(b), of the Code for the denial of Respondent's application for an unrestricted real estate
12 license.

13 TERMS AND CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Respondent can signify acceptance and approval of the terms and conditions of this
4 Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by
5 Respondent, to the Department counsel Truly Sughrue. Respondent agrees, acknowledges and
6 understands that by electronically sending the Department a scan of Respondent's actual signature
7 as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be
8 binding on Respondent as if the Department had received the original signed Stipulation and
9 Waiver. Respondent shall also send a hard copy of the original signed Stipulation and Waiver to
10 Truly Sughrue, Department of Real Estate, P.O. Box 137007 Sacramento, CA 95813-7007.

11 9/11/22

12
13 Dated

DOMINIC MAES

DOMINIC MAES, Respondent

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

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

22 This Order is effective immediately.

23 IT IS SO ORDERED 10.4.22

24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER

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27 Douglas R. McCauley