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FILED
DEC 21 2001
DEPARTMENT OF REAL ESTATE

By [Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

BRIAN R. HICKEY,

Respondent

) No. H- 29264 LA
) L- 2001110087
) **STIPULATION AND**
) **WAIVER**
)
)
)
)

I, BRIAN R. HICKEY, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on October 31, 2001, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

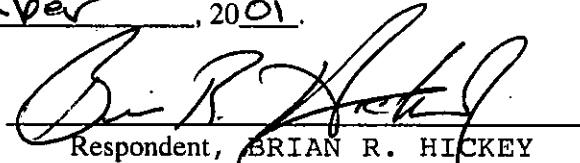
6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real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

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

6 DATED this 28th day of November, 2001.

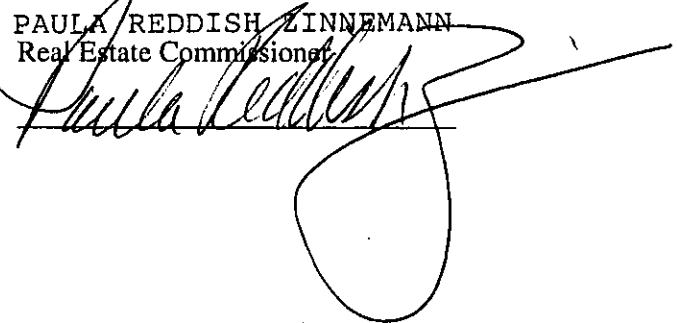
7
8 
Respondent, BRIAN R. HICKEY

9
10 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
11 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
12 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
13 restricted real estate salesperson license to respondent.

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
15 respondent BRIAN R. HICKEY if respondent has otherwise fulfilled all of the statutory requirements for
16 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
17 Stipulation and Waiver.

18 This Order is effective immediately.

19 DATED this 18th day of December, 2001.

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21 PAULA REDDISH LINNEMANN
Real Estate Commissioner
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FILED
NOV - 7 2001
DEPARTMENT OF REAL ESTATE

By CS

RE 500 (Rev. 8/97)

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MARTHA J. ROSETT, Counsel (SBN #142072)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013-1105

(213) 576-6982
(213) 576-6914

FILED
OCT 31 2001
DEPARTMENT OF REAL ESTATE

By Cy

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)
BRIAN R. HICKEY,
Respondent.

No. H-29264 LA

FIRST AMENDED
STATEMENT OF ISSUES

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, does hereby amend the Statement of Issues filed in the above referenced matter on October 24, 2001 as follows:

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against BRIAN R. HICKEY ("Respondent") is informed and alleges in his official capacity as follows:

1.

Respondent made application to the Department of Real Estate of the State of California for a real estate license on or

1 about April 12, 2001.

2 2.

3 In response to Question 25 of said application, to wit:

4 "Have you ever been convicted of any violation of law,"

5 Respondent answered "No."

6 3.

7 On or about February 17, 1982, Respondent was convicted
8 on her plea of guilty to one count of violating California Penal
9 Code Section 484(a) (petty theft), a crime of moral turpitude
10 substantially related to the qualifications, functions and duties
11 of a real estate licensee. Respondent was sentenced to 12 months
12 summary probation and 60 hours of community service.

13 4.

14 Respondent's failure to reveal the conviction set forth
15 in Paragraph 3 constitutes an attempt to procure a real estate
16 license by misrepresentation or by making a material misstatement
17 of fact in an application for a real estate license, and is
18 grounds for denial of Respondent's application for a real estate
19 license pursuant to Business and Professions Code Sections 480(c)
20 and 10177(a).

21 5.

22 Respondent's conviction, as set forth in Paragraph 3,
23 constitutes grounds for denial of Respondent's application for a
24 real estate license pursuant to Business and Professions Code
25 Sections 480(a) and 10177(b).

26 These proceedings are brought under the provisions of
27 Section 10100, Division 4 of the Business and Professions Code of

1 the State of California and Sections 11500 through 11528 of the
2 Government Code.

3 WHEREFORE, the Complainant prays that the above-
4 entitled matter be set for hearing and, upon proof of the charges
5 contained herein, that the Commissioner refuse to authorize the
6 issuance of, and deny the issuance of, a real estate salesperson
7 license to Respondent BRIAN R. HICKEY and for such other and
8 further relief as may be proper under the law.

9 Dated at Los Angeles, California

10 this 31st day of October, 2001.

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12 Deputy Real Estate Commissioner
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23 cc: Brian R. Hickey
24 American Residential Funding
25 Sacto.
26 Thomas McCrady
27 EE

3AC.
1 MARTHA J. ROSETT, Counsel (SBN #142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

5 (213) 576-6982
6 (213) 576-6914

FILED
OCT 24 2001
DEPARTMENT OF REAL ESTATE

By Cy

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)

No. H-29264 LA

12 BRIAN R. HICKEY,

13 STATEMENT OF ISSUES

14 Respondent.

15
16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against BRIAN R. HICKEY ("Respondent") is informed and alleges in
19 his official capacity as follows:

20 1.

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate license on or
23 about April 12, 2001.

24 2.

25 In response to Question 25 of said application, to wit:
26 "Have you ever been convicted of any violation of law,"
27 Respondent answered "No."

1 3.

2 On or about February 2, 1990, Respondent was convicted
3 on her plea of guilty to one count of violating California Penal
4 Code Section 484(a) (petty theft), a crime of moral turpitude
5 substantially related to the qualifications, functions and duties
6 of a real estate licensee. Respondent was sentenced to 12 months
7 summary probation and 60 hours of community service.

8 4.

9 Respondent's failure to reveal the conviction set forth
10 in Paragraph 3 constitutes an attempt to procure a real estate
11 license by misrepresentation or by making a material misstatement
12 of fact in an application for a real estate license, and is
13 grounds for denial of Respondent's application for a real estate
14 license pursuant to Business and Professions Code Sections 480(c)
15 and 10177(a).

16 5.

17 Respondent's conviction, as set forth in Paragraph 3,
18 constitutes grounds for denial of Respondent's application for a
19 real estate license pursuant to Business and Professions Code
20 Sections 480(a) and 10177(b).

21 These proceedings are brought under the provisions of
22 Section 10100, Division 4 of the Business and Professions Code of
23 the State of California and Sections 11500 through 11528 of the
24 Government Code.

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27 ///

1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent BRIAN R. HICKEY and for such other and
6 further relief as may be proper under the law.

7 Dated at Los Angeles, California

8 this 24th day of October, 2001.



Deputy Real Estate Commissioner

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20 cc: Brian R. Hickey
21 American Residential Funding
22 Sacto.
23 Thomas McCrady
24 EE
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