

*Subs. 100*

**FILED**  
MAR 18 2003  
DEPARTMENT OF REAL ESTATE

*Laura B. [Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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|                                       |                               |
|---------------------------------------|-------------------------------|
| In the Matter of the Application of ) |                               |
| RICK RALPH KORLJAN, )                 | NO. H-29739 LA                |
| Respondent. )                         | <u>STIPULATION AND WAIVER</u> |

It is hereby stipulated by and between RICK RALPH KORLJAN (hereinafter "Respondent") and Respondent's attorney, M. Stephen Davis, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on October 18, 2002, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate broker license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that she may in her  
2 discretion waive the hearing and grant Respondent a restricted  
3 real estate salesperson license based upon this Stipulation and  
4 Waiver. Respondent also understands that by filing the Statement  
5 of Issues in this matter the Real Estate Commissioner is shifting  
6 the burden to Respondent to make a satisfactory showing that  
7 Respondent meets all the requirements for issuance of a real  
8 estate broker license. Respondent further understands that by  
9 entering into this stipulation and waiver, Respondent will be  
10 stipulating that the Real Estate Commissioner has found that  
11 Respondent has failed to make such a showing, thereby justifying  
12 the denial of the issuance to Respondent of an unrestricted real  
13 estate broker license.

14           B. Respondent hereby admits that the allegations of  
15 the Statement of Issues filed against Respondent are true and  
16 correct and requests that the Real Estate Commissioner in her  
17 discretion issue a restricted real estate salesperson license to  
18 Respondent under the authority of Section 10156.5 of the Business  
19 and Professions Code.

20           C. Respondent is aware that by signing this  
21 Stipulation and Waiver, Respondent is waiving Respondent's right  
22 to a hearing and the opportunity to present evidence at the  
23 hearing to establish Respondent's rehabilitation in order to  
24 obtain an unrestricted real estate broker license if this  
25 Stipulation and Waiver is accepted by the Real Estate  
26 Commissioner. However, Respondent is not waiving Respondent's  
27 right to a hearing and to further proceedings to obtain a

1 restricted or unrestricted license if this Stipulation and Waiver  
2 is not accepted by the Commissioner.

3 D. Respondent further understands that the following  
4 conditions, limitations, and restrictions will attach to a  
5 restricted license issued by the Department of Real Estate  
6 pursuant hereto:

7 1. The license shall not confer any property

8 right in the privileges to be exercised  
9 including the right of renewal, and the Real  
10 Estate Commissioner may by appropriate order  
11 suspend the right to exercise any privileges  
12 granted under this restricted license in the  
13 event of:

14 a. The conviction of Respondent (including a  
15 plea of nolo contendere) to a crime which  
16 bears a substantial relationship to  
17 Respondent's fitness or capacity as a real  
18 estate licensee; or

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

25 2. Respondent shall not be eligible to apply for  
26 the issuance of an unrestricted real estate  
27 license nor the removal of any of the

1 conditions, limitations or restrictions  
2 attaching to the restricted license until two  
3 years have elapsed from the date of issuance of  
4 the restricted license to Respondent.

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

12 a. That broker has read the Statement of  
13 Issues which is the basis for the issuance  
14 of the restricted license; and

15 b. That broker will carefully review all  
16 transaction documents prepared by the  
17 restricted licensee and otherwise exercise  
18 close supervision over the licensee's  
19 performance of acts for which a license is  
20 required.

21  
22  
23 DATED: 3/3/03

CHRIS LEONG  
CHRIS LEONG, Counsel  
Department Of Real Estate



1 I have reviewed the Stipulation and Waiver as to form  
2 and content and have advised my client accordingly.

3  
4 DATED: 2/24/03

M. Stephen Davis  
M. STEPHEN DAVIS, ESQ.  
Attorney for Respondent

6 \* \* \*

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

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

20 This Order is effective immediately.

21  
22 IT IS SO ORDERED March 13, 2003.

23 PAULA REDDISH ZINNEMANN  
24 Real Estate Commissioner

25 John R. Liberator  
26

27  
BY: John R. Liberator  
Chief Deputy Commissioner

**BEFORE THE DEPARTMENT OF REAL ESTATE**  
**STATE OF CALIFORNIA**

In the Matter of the Application of ) Case No. H-29739 LA  
 )  
 RICK RALPH KORLJAN, ) OAH No. L-2002110213  
 )  
 \_\_\_\_\_ )  
 Respondent(s)

**FILED**  
DEC - 4 2002  
DEPARTMENT OF REAL ESTATE

**NOTICE OF HEARING ON APPLICATION**

To the above-named Respondent(s):

By Chris Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on TUESDAY, FEBRUARY 25, 2003, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

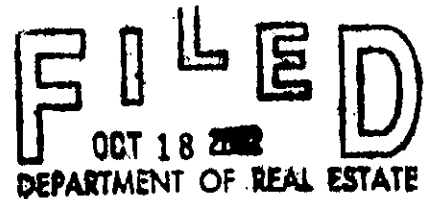
Dated: December 4, 2002

By Chris Leong  
CHRIS LEONG, Counsel

cc: Rick Ralph Korljan  
M. Stephen Davis, Esq.  
Sacto.  
OAH

CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)



By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|                                       |                              |
|---------------------------------------|------------------------------|
| In the Matter of the Application of ) |                              |
| RICK RALPH KORLJAN,                   | ) No. H-29739 LA             |
| Respondent.                           | ) <u>STATEMENT OF ISSUES</u> |

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RICK RALPH KORLJAN ("Respondent") alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate broker license on or about March 7, 2002.

II

Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity.

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III

On or about May 18, 1998, in the Municipal Court of California, County of Los Angeles, Metro Judicial District, Case No. 8MT03278, Respondent was convicted of violating Section 10501(a) of the California Vehicle Code (False report of theft), a misdemeanor and a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

Respondent's conviction, as set forth in Paragraph III, is cause to deny Respondent's real estate license application pursuant to Business and Professions Code Sections 480(a)(1) and 10177(b).

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

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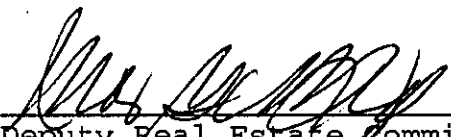
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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate broker license to Respondent, RICK RALPH KORLJAN, and  
6 for such other and further relief as may be proper in the  
7 premises.  
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9 Dated at Los Angeles, California  
10 this 17th day of October, 2002.

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13 Deputy Real Estate Commissioner  
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25 cc: Rick Ralph Korljan  
26 Maria Suarez  
27 Sacto.  
LF