

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

JEFFREY F. MARKEY

Respondent

No. H- 30158 LA

**STIPULATION AND
WAIVER**

I, JEFFREY F. MARKEY, 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 June 20, 2003, 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 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
2 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
3 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
4 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
5 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:
27

- 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 4. My restricted real estate salesperson license is issued subject to the requirements of Section
7 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
8 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
9 successful completion, at an accredited institution, of two of the courses listed in Section
10 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
11 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
12 satisfactory evidence of successful completion of the two required courses, the restricted license
13 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
14 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
15 submitted the required evidence of course completion and the Commissioner has given written
16 notice to me of the lifting of the suspension.
- 17 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
18 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
19 entitled to the issuance of another license which is subject to Section 10153.4 until four years
20 after the date of the issuance of the preceding restricted license.

21 DATED this 1st day of July, 2005.

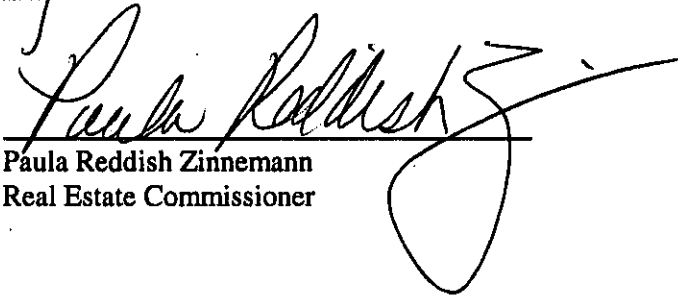
22 
23 JEFFREY F. MARKEY, Respondent

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

1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
2 respondent JEFFREY F. MARKEY if respondent has otherwise fulfilled all of the statutory requirements
3 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
4 Stipulation and Waiver.

5 This Order is effective immediately.

6 DATED this 16th day of July, 2003.

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9 Paula Reddish Zinnemann
10 Real Estate Commissioner
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1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
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4 Los Angeles, CA 90013

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-30158 LA
12 JEFFREY F. MARKEY,)
13 Respondent.) STATEMENT OF ISSUES
14)
15)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JEFFREY F. MARKEY ("Respondent"), alleges in her official
19 capacity as follows:

20 1.

21 On or about July 5, 2002, pursuant to the provisions of
22 Section 10153.3 of the Business and Professions Code ("Code"),
23 Respondent made application to the Department of Real Estate of
24 the State of California ("Department") for a real estate
25 salesperson license with the knowledge and understanding that any
26 license issued as a result of said application would be subject
27 to the conditions of Section 10153.4 of the Code.

2.

In response to Question 25 of said application, to wit:
"Have you ever been convicted of any violation of law?
Convictions expunged under Penal Code Section 1203.4 must be
disclosed. However, you may omit minor traffic citations which
do not constitute a misdemeanor or felony offense", Respondent
answered "No".

Instructions to that section of the application state:

"Carefully read and provide detailed answers to
questions #24-26. You must provide a yes or no
response to all questions. "Convicted" as used in
Question 25 includes a verdict of guilty by judge or
jury, a plea of guilty or of nolo contendere, or a
forfeiture of bail in municipal, superior or federal
court. All convictions must be disclosed whether or
not the plea or verdict was set aside, the conviction
against you was dismissed, or expunged, or if you have
been pardoned. Convictions occurring while you were a
minor must be disclosed unless the record of conviction
has been sealed under Section 1203.45 of the California
Penal Code or Section 781 of the California Welfare and
Institutions Code."

3.

On or about February 26, 1992, in the Superior Court of
Arizona, County of Coconino, in Case No. 16825-91, Respondent was
convicted of violating A.R.S. Section 4-244.9 (illegal
consumption), a misdemeanor. Respondent was ordered to pay a
fine.

4.

On or about October 14, 1998, in the Los Angeles County
Municipal Court, State of California, in Case No. 8WL02841,
Respondent was convicted of violating Public Utilities Code

1 Section 5411 (chartering a carrier without a permit), a
2 misdemeanor. Respondent was placed on six months summary
3 probation, the terms of which included paying \$400.00 to the
4 P.U.C., meeting with the representative of the P.U.C. to obtain
5 the necessary documentation to do business at LAX, and
6 apologizing for his behavior. On or about April 14, 1999,
7 Respondent provided proof of completion of the terms of the
8 probation and the charges were amended to be a violation of Los
9 Angeles Municipal Code Section 80.02 (neglect to comply with
10 officer); and the conviction was reduced to an infraction.

11 5.

12 On or about April 15, 2002, in the Los Angeles County
13 Municipal Court, Airport Branch Judicial District, in Case
14 No. 2W100691, Respondent was convicted of violating P.U.C. Code
15 Section 157(c) (providing passenger transportation without a
16 completed waybill), a misdemeanor. Respondent was placed on
17 three years summary probation, the terms and conditions of which
18 include serving two days in county jail (credit for time
19 served), payment of fees and staying away from LAX unless
20 properly ticketed for travel. On or about April 15, 2003, the
21 charges were changed to violation of Penal Code Section 415
22 (disturbing the peace), and the conviction reduced to an
23 infraction.

24 6.

25 Respondent's failure to reveal the convictions set
26 forth in Paragraphs 3, 4 and 5 above constitutes grounds to deny
27 Respondent's application for a real estate license pursuant to

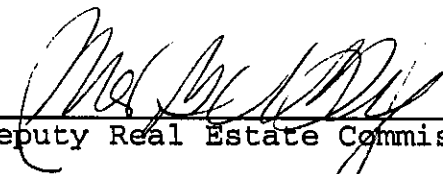
1 Code Section 480(c).

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

6 WHEREFORE, the Complainant prays that the above-
7 entitled matter be set for hearing and, upon proof of the charges
8 contained herein, that the Commissioner refuse to authorize the
9 issuance of, and deny the issuance of, a real estate salesperson
10 license to Respondent JEFFREY F. MARKEY, and for such other and
11 further relief as may be proper under the law.

12 Dated at Los Angeles, California

13 this 19th day of June, 2003.

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16 
17 Deputy Real Estate Commissioner
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25 cc: Jeffrey F. Markey
26 Sacto.
27 Maria Suarez
LA