

FILED  
SEP 25 2003  
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

*In the Matter of the Application of*

JOSH M. ELLIS,

Respondent

No. H- 30245 LA

**STIPULATION AND  
WAIVER**

I, JOSH M. ELLIS, 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 August 15, 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:  
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- 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)  
8 months of the issuance of the restricted license, to submit evidence satisfactory to the  
9 Commissioner of successful completion, at an accredited institution, of two of the courses listed  
10 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,  
11 advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the  
12 Department satisfactory evidence of successful completion of the two required courses, the  
13 restricted license shall be automatically suspended effective eighteen (18) months after the date  
14 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted  
15 license, I have submitted the required evidence of course completion and the Commissioner has  
16 given written 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 20 day of August, 2003

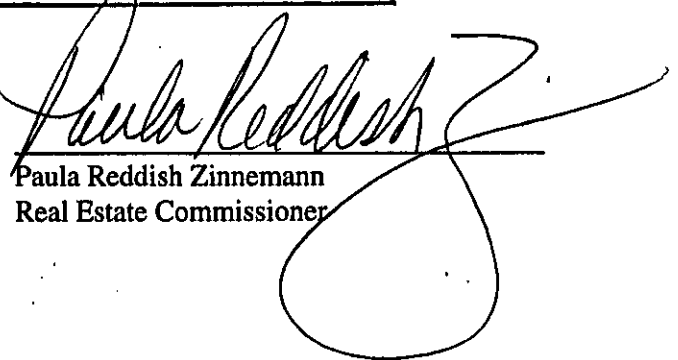
22   
23 JOSH M. ELLIS, Respondent

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 JOSH M. ELLIS if respondent has otherwise fulfilled all of the statutory requirements for  
3       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 15<sup>th</sup> day of September, 2023.

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10       Paula Reddish Zinnemann  
11       Real Estate Commissioner

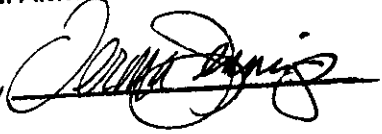
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FILED  
AUG 15 2003  
DEPARTMENT OF REAL ESTATE

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By



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	No. H-30245 LA
JOSH M. ELLIS, )	<u>STATEMENT OF ISSUES</u>
Respondent. )	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JOSH M. ELLIS (Respondent) is informed and alleges in her official capacity as follows:

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On or about August 16, 2002, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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1 II

2 On or about February 10, 2003, in the Superior Court of  
3 California, County of Santa Barbara, Respondent was convicted of  
4 violating Section 148.9(A) of the Penal Code (False Identity to a  
5 Police Officer), a crime involving moral turpitude and  
6 substantially related to the qualifications, functions or duties  
7 of a real estate licensee.

8 III

9 The matter described in Paragraph II constitutes cause  
10 for denial of Respondent's application for a real estate  
11 salesperson license under Sections 480(a) and 10177(b) of the  
12 California Business and Professions Code.

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1           The Statement of Issues is brought under the provisions  
2 of Section 10100, Division 4 of the Business and Professions Code  
3 of the State of California and Sections 11500 through 11528 of  
4 the Government Code.

5           WHEREFORE, the Complainant prays that the above-  
6 entitled matter be set for hearing and, upon proof of the charges  
7 contained herein, that the Commissioner refuse to authorize the  
8 issuance of, and deny the issuance of, a real estate salesperson  
9 license to Respondent JOSH M. ELLIS and for such other and  
10 further relief as may be proper in the premises.

11 Dated at Los Angeles, California,

12 this 14th day of August, 2003.

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16 MARIA SUAREZ  
17 Deputy Real Estate Commissioner  
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24 cc: Josh M. Ellis  
25 William N. Hogarty  
26 Maria Suarez  
27 Sacto.  
ST