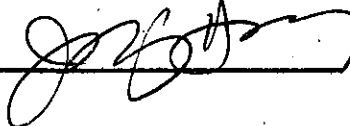


1 Department of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

**FILED**  
OCT 27 2003

DEPARTMENT OF REAL ESTATE

By 

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9  
10 *In the Matter of the Application of*

11 GERARD VERKUYLEN,

13 Respondent

)  
) No. H- 30292 LA  
)

)  
) **STIPULATION AND**  
) **WAIVER**  
)

14  
15 It is hereby stipulated by and between GERARD VERKUYLEN (hereinafter "Respondent") and  
16 Respondent's attorney, JOZEF G. MAGYAR, and the Complainant, acting by and through MARY E.  
17 WORK, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of  
18 the Statement of Issues filed on August 27, 2003 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's  
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner  
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's  
23 honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the  
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and  
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner  
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance  
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are  
5 true and correct and requests that the Real Estate Commissioner in her discretion issue a restricted real  
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and  
7 Professions Code.

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

14 Respondent further understands that the following conditions, limitations, and restrictions will attach  
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

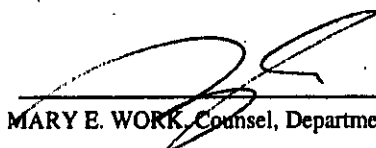
- 16 1. The license shall not confer any property right in the privileges to be exercised including the  
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
18 to exercise any privileges granted under this restricted license in the event of:
  - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears  
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real  
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted  
26 license until two years have elapsed from the date of issuance of the restricted license to  
27 Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,  
2 Respondent shall submit a statement signed by the prospective employing broker on a form  
3 approved by the Department of Real Estate wherein the employing broker shall certify as  
4 follows:

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

10  
11 10-6-03

12 Dated

11   
12 MARY E. WORK, Counsel, Department of Real Estate

13 \* \* \*

14 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are  
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me  
16 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,  
17 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,  
18 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine  
19 witnesses against me and to present evidence in defense and mitigation of the charges.

20  
21 9-24-03

22 Dated

21   
22 GERARD VERKUYLEN, Respondent

23 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*  
24 *accordingly.*

25 10-1-03

26 Dated

25   
26 JOZEF G. MAGYAR, Attorney for Respondent

27 \* \* \*

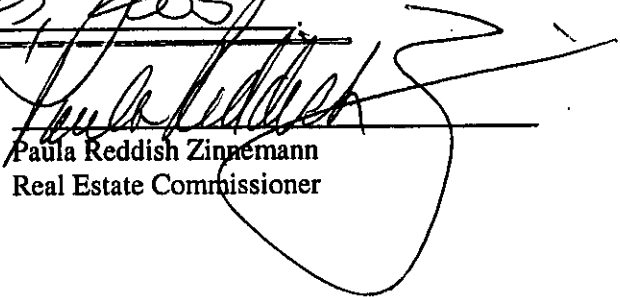
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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be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

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

This Order is effective immediately,

IT IS SO ORDERED October 23, 2003



Paula Reddish Zinnemann  
Real Estate Commissioner

*Handwritten signature/initials*

1 MARY E. WORK, Counsel  
SBN 175887  
2 Department of Real Estate  
320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone (213) 576-6982  
-Direct- (213) 576-6916  
5  
6  
7  
8

**FILED**  
AUG 27 2003  
DEPARTMENT OF REAL ESTATE

*By Laura B. Stone*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-30292LA
GERARD VERKUYLEN,	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against GERARD VERKUYLEN (hereinafter "Respondent"), is informed and alleges as follows:

I

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

II

Respondent made application to the Department of Real Estate of the State of California (hereinafter "Department") for a real estate salesperson license on or about July 8, 2002.





1 issued in said matter. The Decision denied Respondent's  
2 application based on Business and Professions Codes Sections  
3 480(a)(1), (2) and (3) and 10177(b). The fact that Respondent has  
4 a second criminal conviction, that is the matter described above  
5 in Paragraph IV, was discussed in the Decision adopted by the  
6 Commissioner. Respondent was made aware of the second conviction  
7 yet failed to reveal it in the pending application.

8 The Statement of Issues is brought under the provisions  
9 of Section 10100, Division 4 of the Business and Profession Code  
10 of the State of California and Sections 11500 through 11529 of  
11 the Government Code.

12 WHEREFORE, Complainant prays that the above entitled  
13 matter be set for hearing and, upon proof of the charges  
14 contained herein, that the Commissioner refuse to authorize the  
15 issuance of, and deny the issuance of, a real estate salesperson  
16 license to Respondent, GERARD VERKUYLEN, and for such other and  
17 further relief as may be proper under other provisions of law.

18  
19   
20 Maria Suarez  
Deputy Real Estate Commissioner

21 Dated at Los Angeles, California

22 this <sup>22<sup>nd</sup></sup> day of August, 2003.

23  
24 cc: Gerard Verkuylen  
25 Taylor Morgan, Inc./ Valerie J. Rye  
26 Maria Suarez  
SACTO  
AE