

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 his 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. Respondent understands that any such restricted license will be issued subject to and be
8 limited by Section 10153.4 of the Business and Professions Code.

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

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

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

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

7 a. That broker has read the Statement of Issues which is the basis for the issuance of the
8 restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the restricted
10 licensee and otherwise exercise close supervision over the licensee's performance of acts
11 for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15 the Commissioner of successful completion, at an accredited institution, of two of the courses
16 listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
17 advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely
18 present to the Department satisfactory evidence of successful completion of the two required
19 courses, the restricted license shall be automatically suspended effective eighteen (18) months
20 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
21 the restricted license, Respondent has submitted the required evidence of course completion and
22 the Commissioner has given written notice to Respondent of the lifting of the suspension.

23 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
24 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
25 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
26 until four years after the date of the issuance of the preceding restricted license.

1 Dec. 19, 2003
2 Dated

3 James R. Peel
4 JAMES R. PEEL, Counsel, Department of Real Estate

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

11 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
12 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
13 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
14 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
15 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
16 the original signed Stipulation and Waiver.

16 ✓ 12/18/03
17 Dated

17 ✓ Darin Maxwell Reisman
18 DARIN MAXWELL REISMAN, Respondent

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

20 12/18/03
21 Dated

21 Richard G. Morris
22 RICHARD G. MORRIS, Attorney for Respondent


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RUSSELL
KREW, L.A.D.

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

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

10 This Order is effective immediately.

11 IT IS SO ORDERED Dec. 30, 2003

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14 JOHN R. LIBERATOR
15 Chief Deputy Commissioner
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FILED
DEC - 1 2003
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-30519 LA
DARIN MAXWELL REISMAN,)	<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 DARIN MAXWELL REISMAN (Respondent) is informed and alleges in her official capacity as follows:

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On or about August 22, 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 In response to Question 25 of said application, to wit,
3 "Have you ever been convicted of any violation of law?",
4 Respondent answered "No".

5 III

6 On or about September 28, 1998, in the Superior Court,
7 County of San Luis Obispo, State of California, Respondent was
8 convicted of violating Vehicle Code Section 14601.1(a) (driving
9 with a suspended license).

10 IV

11 The matter alleged in Paragraph III involves moral
12 turpitude and is substantially related to the qualifications,
13 functions or duties of a real estate licensee.

14 V

15 Respondent's conviction in the matter referred to in
16 Paragraph III is cause under Sections 480(a)(1) and 10177(b) of
17 the Business and Professions Code for denying Respondent's
18 application for a real estate license.

19 VI

20 Respondent's failure to reveal the matter set forth in
21 Paragraph III in said application constitutes the attempted
22 procurement of a real estate license by fraud, misrepresentation
23 or deceit, or by making a material misstatement of fact in said
24 application, or by knowingly making a false statement of fact
25 required to be revealed in said application, which failure is
26 cause for denying Respondent's application for a real estate
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1 license under Sections 480(c) and 10177(a) of the Business and
2 Professions Code of the State of California.

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

8 WHEREFORE, the Complainant prays that the above-
9 entitled matter be set for hearing and, upon proof of the charges
10 contained herein, that the Commissioner refuse to authorize the
11 issuance of, and deny the issuance of, a real estate salesperson
12 license to Respondent, DARIN MAXWELL REISMAN, and for such other
13 and further relief as may be proper in the premises.

14 Dated at Los Angeles, California,

15 this 20th day of November, 2003.

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19 Deputy Real Estate Commissioner

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24 cc: Darin Maxwell Reisman
25 Maria Suarez
26 Sacto.
27 AE
Dewey Watson