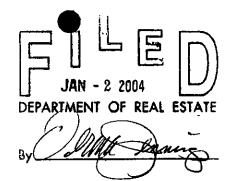
Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105

Telephone: (213) 576-6982



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

DARIN MAXWELL REISMAN,

Respondent

Respondent

No. H- 30519 LA

STIPULATION AND
WAIVER

It is hereby stipulated by and between DARIN MAXWELL REISMAN (hereinafter "Respondent") and Respondent's attorney, Richard G. Morris, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on December 1, 2003, in this matter:

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 salesperson 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 and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meet all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

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

Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions Code. Respondent understands that any such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions Code.

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

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

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

license until two years have elapsed from the date of issuance of the restricted license to Respondent.

- 3. With the application for license, or with the application for transfer to a new employing broker,

  Respondent shall submit a statement signed by the prospective employing broker on a form

  approved by the Department of Real Estate wherein the employing broker shall certify as
  follows:
  - a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
  - b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
  - Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of the lifting of the suspension.
- 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

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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 Dec. 30, 2003

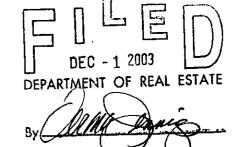
JOHAN R. LIBÉRATOR Chief Deputy Commissioner



JAMES R. PEEL, Counsel (SBN 47055) Department of Real Estate 320 West Fourth Street, Ste. 350 Los Angeles, California 90013-1105

Telephone: (213) 576-6982

-or- (213) 576-6913 (Direct)



## BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of ) No. H-30519 LA )

DARIN MAXWELL REISMAN, ) STATEMENT OF ISSUES

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:

Ι

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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II

In response to Question 25 of said application, to wit, "Have you ever been convicted of any violation of law?", Respondent answered "No".

III

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

IV

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

V

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

VI

Respondent's failure to reveal the matter set forth in Paragraph III in said application constitutes the attempted procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, or by knowingly making a false statement of fact required to be revealed in said application, which failure is cause for denying Respondent's application for a real estate

license under Sections 480(c) and 10177(a) of the Business and Professions Code of the State of California.

The Statement of Issues is 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.

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

Dated at Los Angeles, California,

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cc: Darin Maxwell Reisman

Maria Suarez Sacto.

AE Dewey Watson