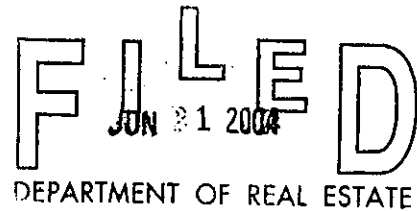


1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982



5 By R. Schneiderholt

6  
7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11 BRYAN RENE STUART,

12  
13 Respondent

)  
) No. H- 30928 LA  
)  
)

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

14  
15 I, BRYAN RENE STUART, respondent herein, do hereby affirm that I have applied to the Department  
16 of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all  
17 of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
19 filed by the Department of Real Estate on May 20, 2004, in connection with my application for a real estate  
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
22 allegations therein, or that he/she may in his/her discretion waive the hearing and grant me a restricted real  
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the  
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a  
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I  
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate  
27

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

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

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

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

15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:

18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
26  
27

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

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

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

9     4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10         10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months  
11         of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12         successful completion, at an accredited institution, of a course in real estate practices and one of  
13         the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14         real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15         present to the Department satisfactory evidence of successful completion of the two required  
16         courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17         after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18         the restricted license, I have submitted the required evidence of course completion and the  
19         Commissioner has given written notice to Respondent of the lifting of the suspension.

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

24         Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
25     Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
26     number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
27     to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received  
2 the original signed Stipulation and Waiver.

3 X 5/26/04

4 Dated

X Bryan R. Stuart

BRYAN RENE STUART, Respondent

\*\*\*

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

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

13 This Order is effective immediately.

14 IT IS SO ORDERED June 15, 2004

15  
16 John R. Liberator  
JOHN R. LIBERATOR  
17 Acting Real Estate Commissioner  
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*Stacy King*

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ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
  
Telephone: (213) 576-6911 (direct)  
          -or- (213) 576-6982 (office)

**FILED**  
MAY 20 2004  
DEPARTMENT OF REAL ESTATE  
By *R. Schneider*

BEFORE THE DEPARTMENT OF REAL ESTATE  
  
STATE OF CALIFORNIA

\* \* \*

|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| In the Matter of the Application of | ) | No. H-30928 LA             |
|                                     | ) |                            |
| BRYAN RENE STUART,                  | ) | <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 BRYAN RENE STUART (Respondent) is informed and alleges in her official capacity as follows:

1.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about October 9, 2003, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

2.

On August 23, 2002, in the Superior Court of California County of San Bernardino, San Bernardino District, respondent was convicted by a plea of nolo contendere to one count of Section 245(a)(1) (assault with a deadly weapon by means likely to produce great bodily injury - beer bottle), a misdemeanor crime, which by its facts and circumstances, involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. On November 26, 2003, the misdemeanor conviction was set aside and this crime was dismissed pursuant to Penal Code 1203.4.

3.

This crime constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and/or 10177(b) of the Code.

These proceedings are brought under the provisions of Section 10100, Division 4 of the California Business and Professions Code and Sections 11500 through 11529 of the California Government Code.

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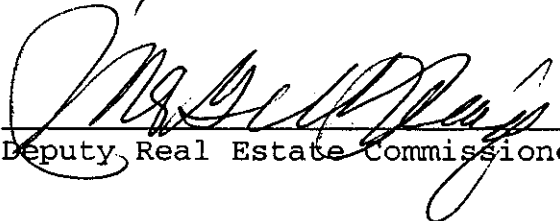
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1           WHEREFORE, the Complainant prays that above-entitled  
2 matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of, a real estate salesperson  
5 license to Respondent BRYAN RENE STUART, and for such other and  
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this *19th day of May 2004.*  
9

10  
11   
12 Deputy Real Estate Commissioner  
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19  
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22

23 cc: Bryan Rene Stuart  
24 Beth A. Scott  
25 Maria Suarez  
26 Sacto  
27 LF