

FILED
NOV 18 2005
DEPARTMENT OF REAL ESTATE

By *K. Miller*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	H-32085 LA
JUSTIN PAUL RIDER,)	
Respondent.)	
)	<u>STIPULATION</u>
)	<u>AND</u>
)	<u>WAIVER</u>

It is hereby stipulated by and between JUSTIN PAUL RIDER (hereinafter "Respondent") and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on July 19, 2005, in this matter:

A. 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

1 Commissioner may hold a hearing on this Statement of Issues for
2 the purpose of requiring further proof of Respondent's honesty
3 and truthfulness and to prove other allegations therein, or that
4 he may in his discretion waive the hearing and grant Respondent a
5 restricted real estate salesperson license based upon this
6 Stipulation and Waiver. Respondent also understands that by
7 filing the Statement of Issues in this matter the Real Estate
8 Commissioner is shifting the burden to Respondent to make a
9 satisfactory showing that Respondent meets all the requirements
10 for issuance of a real estate salesperson license. Respondent
11 further understands that by entering into this stipulation and
12 waiver Respondent will be stipulating that the Real Estate
13 Commissioner has found that Respondent has failed to make such
14 a showing, thereby justifying the denial of the issuance to
15 Respondent of an unrestricted real estate salesperson license.

16 B. Respondent hereby admits that the allegations of
17 the Statement of Issues filed against Respondent are true and
18 correct and requests that the Real Estate Commissioner in his
19 discretion issue a restricted real estate salesperson license to
20 Respondent under the authority of Section 10156.5 of the Business
21 and Professions Code.

22 C. Respondent is aware that by signing this
23 Stipulation and Waiver, Respondent is waiving Respondent's right
24 to a hearing and the opportunity to present evidence at the
25 hearing to establish Respondent's rehabilitation in order to
26 obtain an unrestricted real estate salesperson license if this
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1 right to a hearing and to further proceedings to obtain a
2 restricted or unrestricted license if this Stipulation and Waiver
3 is not accepted by the Commissioner.

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

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

13 a. The conviction of Respondent (including a plea of
14 nolo contendere) to a crime which bears a substantial
15 relationship to Respondent's fitness or capacity as a real estate
16 licensee; or

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

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

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

1 shall submit a statement signed by the prospective employing
2 broker on a form approved by the Department of Real Estate
3 wherein the employing broker shall certify as follows:

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

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

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

1 5. Six months after the issuance of the restricted
2 license, and at six month intervals thereafter during the term of
3 any restricted license issued pursuant to this Decision,
4 Respondent shall provide proof acceptable to the Real Estate
5 Commissioner that, during the preceding six months, Respondent
6 has, each and every week, attended one or more sessions of
7 Alcoholics Anonymous or similar Twelve Step or substance abuse
8 Program, or that such attendance in any week was impractical due
9 to travel for work, the illness of Respondent or a member of
10 Respondent's family, vacation, incarceration, residential
11 treatment for substance abuse, extreme personal hardship for
12 Respondent or a member of Respondent's family, or family
13 emergency. Respondent shall submit such proof to the Los Angeles
14 Crisis Response Team Manager of the Department of Real Estate.
15 The Commissioner may suspend the restricted license issued to
16 Respondent pending a hearing held in accordance with Section
17 11500, et seq., of the Government Code, if such proof is not
18 timely submitted as provided for herein, or as provided for in a
19 subsequent agreement between the Respondent and the Commissioner.
20 The suspension shall remain in effect until such proof is
21 submitted or until Respondent enters into an agreement
22 satisfactory to the Commissioner to provide such proof, or until
23 a decision providing otherwise is adopted following a hearing
24 held pursuant to this condition.

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18-28-05

ELM

DATED

Elliott Mac Lennan, Counsel
Department of Real Estate

* * *

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

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


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FAX NO.

P. 08

10/28/05
DATED


JUSTIN PAUL RIDER
Respondent

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

11 Therefore, IT IS HEREBY ORDERED that a restricted real
12 estate salesperson license be issued to Respondent JUSTIN PAUL
13 RIDER, if Respondent has otherwise fulfilled all of the statutory
14 requirements for licensure. The restricted license shall be
15 limited, conditioned, and restricted as specified in the
16 foregoing Stipulation and Waiver.
17

18 This Order is effective immediately.

19 IT IS SO ORDERED _____, 2005.

20 JEFF DAVI
21 Estate Commissioner
22
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1 DATED

JUSTIN PAUL RIDER
Respondent

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3
4 I have read the Statement of Issues filed herein and
5 the foregoing Stipulation and Waiver signed by Respondent. I am
6 satisfied that the hearing for the purpose of requiring further
7 proof as to the honesty and truthfulness of Respondent need not
8 be called and that it will not be inimical to the public interest
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10 Respondent.

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

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18 This Order is effective immediately.

19 IT IS SO ORDERED 11-16, 2005.

20 JEFF DAVI
Estate Commissioner

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Handwritten initials/signature

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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
JUL 19 2005
DEPARTMENT OF REAL ESTATE
By *K. Millerhold*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
JUSTIN PAUL RIDER,) No. H-32085 LA
Respondent.) STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JUSTIN PAUL RIDER aka Justin P. Rider (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 7, 2004, 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).

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2.

On February 1, 2001, In the People v. Justin P. Rider v. State of Ohio, Municipal Court, Warren County, Ohio, in Case Number 2000CRB00957, Respondent was convicted upon a guilty plea to one count of Ohio Criminal Statutes 2917.11A1F (disorderly conduct), a misdemeanor crime. This crime, 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.

3.

On May 15, 2002, In the People v. Justin P. Rider v. State of Ohio, Xenia Municipal Court, Greene County, Xenia Ohio, in Case Number 02TRC04181, Respondent was convicted upon a guilty plea to one count of Ohio Criminal Statutes for physical control of vehicle - an alcohol related crime), a misdemeanor crime. This crime, 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.

4.

On June 10, 2002, In the People v. Justin P. Rider v. State of Ohio, In the Municipal Court of Ketter, Ohio, Washington Township, in Case Number 02CRB912, Respondent was convicted upon

1 a guilty plea to one count of Ohio Criminal Statutes 2917.11A1F
2 (disorderly conduct), a misdemeanor crime. This crime, by its
3 facts and circumstances, involves moral turpitude and is
4 substantially related under Section 2910, Chapter 6, Title 10 of
5 the California Code of Regulations, to the qualifications,
6 functions or duties of a real estate licensee.

7 5.

8 These crimes constitutes cause for denial of
9 respondent's application for a real estate license under Sections
10 480(a) and 10177(b) of the California Business and Professions
11 Code.

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

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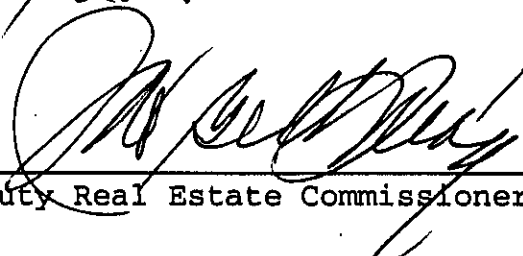
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5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

7 Dated at Los Angeles, California

8 this

14th day of July 2005.

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12 _____
13 Deputy Real Estate Commissioner
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24 cc: Justin Paul Rider
25 Maria Suarez
26 Sacto
27 GD