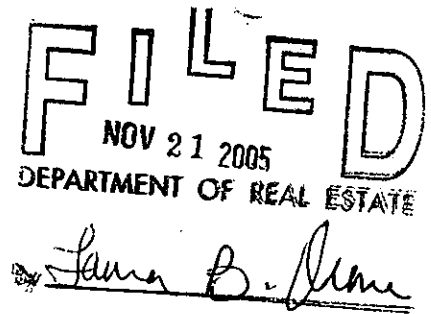


1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982  
5  
6



7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**  
9

10 *In the Matter of the Application of*

11 REX C. MC KOWN,

12  
13 Respondent  
14

) No. H- 32253 LA  
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**STIPULATION AND  
WAIVER**

15 I, REX C. MC KOWN, respondent herein, do hereby affirm that I have applied to the Department of  
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of  
17 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 October 17, 2005 and the First Amended Statement of Issues filed  
20 November 3, 2005, in connection with my application for a real estate salesperson license. I understand that  
21 the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring  
22 further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his  
23 discretion waive the hearing and grant me a restricted real estate salesperson license based upon this  
24 Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate  
25 Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements  
26 for issuance of a real estate salesperson license. I further understand that by entering into this stipulation  
27 and waiver I will be stipulating that the Real Estate Commissioner has found that I have failed to make such

1 a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson  
2 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 discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 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.

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 10-28-05

4 Dated

5   
6 REX C. MC KOWN, Respondent

7 \*\*\*

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

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
13 respondent REX C. MC KOWN if respondent has otherwise fulfilled all of the statutory requirements for  
14 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing  
15 Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED 11-16-05

18   
19 Jeff Davis  
20 Real Estate Commissioner

1 KELVIN K. LEE, Counsel (SBN 152867)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

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FILED  
NOV - 3 2005  
DEPARTMENT OF REAL ESTATE

By Laura B. Crane

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-32253 LA  
REX MCKOWN, ) FIRST AMENDED  
Respondent. ) STATEMENT OF ISSUES

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

1.

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.

2.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about June 30, 2003, with the knowledge and understanding that any license issued as a result of said

1 application would be subject to the conditions of Business and  
2 Professions Code ("Code") Section 10153.4.

3 CRIMINAL CONVICTIONS

4 3.

5 On or about January 28, 1997 in the Superior Court of  
6 California, County of San Diego, in Case No. SCN48735,  
7 Respondent was convicted of one (1) count of violating Section  
8 11378, subsection (A) of the California Health and Safety Code,  
9 (Possession of a Controlled Substance for Sale). This crime  
10 involves moral turpitude, and bears a substantial relationship  
11 under Section 2910, Title 10, Chapter 6, California Code of  
12 Regulations to the qualifications, functions or duties of a real  
13 estate licensee.

14 4.

15 On or about April 4, 1994 in the Superior Court of  
16 California, County of San Diego, in Case No. SCN48735,  
17 Respondent was convicted of one (1) count of violating Section  
18 11378, subsection (A) of the California Health and Safety Code,  
19 (Possession of a Controlled Substance for Sale). This crime  
20 involves moral turpitude, and bears a substantial relationship  
21 under Section 2910, Title 10, Chapter 6, California Code of  
22 Regulations to the qualifications, functions or duties of a real  
23 estate licensee.

24 5.

25 On or around January 10, 1989 in the Municipal Court  
26 of California, County of San Diego, in Case no 88141121A,  
27

Respondent was convicted of one (1) count of violating Section 12025 of the California Penal Code. (Carrying a Concealed Weapon Without a Permit). This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, function, or duties of a real estate licensee.

6.

The crimes for which Respondent was convicted, as described in Paragraphs 3 through 5, above, constitute cause for denial of Respondent's application for a real estate license under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

7.

In response to Question 25 of his license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC VIOLATIONS, the Respondent answered "Yes" to this question, but failed to reveal the conviction listed in Paragraph 5 above. This omission constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c), and/or 10177(a).

1 The Statement of Issues is brought under the  
2 provisions of Section 10100, Division 4 of the Business and  
3 Profession Code of the State of California and Sections 11500  
4 through 11528 of the Government Code.

5 WHEREFORE, Complainant prays that the above entitled matter be  
6 set for hearing and, upon proof of the charges contained herein,  
7 that the Commissioner refuse to authorize the issuance of, and  
8 deny the issuance of, a real estate salesperson license to  
9 Respondent, REX MCKOWN, and for such other and further relief as  
10 may be proper under other provisions of law.

11 Dated at Los Angeles, California

12 this 2nd day of November, 2005.

13  
14   
15 Maria Suarez  
16 Deputy Real Estate Commissioner

17 cc: Rex McKown  
18 Maria Suarez  
19 Sacto.  
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21  
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27



1 KELVIN K. LEE, Counsel (SBN 152867)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
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**FILED**  
OCT 17 2005  
DEPARTMENT OF REAL ESTATE

*Laura B. Olsen*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of ) No. H-32253 LA  
12 REX C. MCKOWN, )  
13 Respondent. )  
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28 The Complainant, Janice Waddell, a Deputy Real Estate  
29 Commissioner of the State of California, for cause of Statement  
30 of Issues against REX C. MCKOWN, ("Respondent"), is informed and  
31 alleges as follows:

32 1.

33 The Complainant, Janice Waddell, a Deputy Real Estate  
34 Commissioner of the State of California, makes this Statement of  
35 Issues against Respondent in her official capacity.

36 2.

37 Respondent made application to the Department of Real  
38 Estate of the State of California for a real estate salesperson  
39 license on or about June 30, 2003, with the knowledge and

1 application would be subject to the conditions of Business and  
2 Professions Code ("Code") Section 10153.4.

3 CRIMINAL CONVICTIONS

4 3.

5 On or about January 28, 1997 in the Superior Court of  
6 California, County of San Diego, in Case No. SCN48735,  
7 Respondent was convicted of one (1) count of violating Section  
8 11378, subsection (A) of the California Health and Safety Code,  
9 (Possession of a Controlled Substance for Sale). This crime  
10 involves moral turpitude, and bears a substantial relationship  
11 under Section 2910, Title 10, Chapter 6, California Code of  
12 Regulations to the qualifications, functions or duties of a real  
13 estate licensee.

14 4.

15 On or about April 4, 1994 in the Superior Court of  
16 California, County of San Diego, in Case No. CR144048,  
17 Respondent was convicted of one (1) count of violating Section  
18 11378, subsection (A) of the California Health and Safety Code,  
19 (Possession of a Controlled Substance for Sale). This crime  
20 involves moral turpitude, and bears a substantial relationship  
21 under Section 2910, Title 10, Chapter 6, California Code of  
22 Regulations to the qualifications, functions or duties of a real  
23 estate licensee.

24 5.

25 On or about January 10, 1989 in the Municipal Court of  
26 California, County of San Diego, in Case No. 88141121A,  
27

Respondent was convicted of one (1) count of violating Section 12025 of the California Penal Code, (Carrying a Concealed Weapon Without a Permit). This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

6.

The crimes for which Respondent was convicted, as described in Paragraphs 3 through 5, above, constitute cause for denial of Respondent's application for a real estate license under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

7.

In response to Question 25 of his license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC VIOLATIONS, the Respondent answered "No" to this question, and failed to reveal the conviction listed in Paragraph 4 above. This omission constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c), and/or 10177(a).

1 The Statement of Issues is brought under the  
2 provisions of Section 10100, Division 4 of the Business and  
3 Profession Code of the State of California and Sections 11500  
4 through 11528 of the Government Code.

5 WHEREFORE, Complainant prays that the above entitled  
6 matter be set for hearing and, upon proof of the charges  
7 contained herein, that the Commissioner refuse to authorize the  
8 issuance of, and deny the issuance of, a real estate salesperson  
9 license to Respondent, REX MCKOWN, and for such other and  
10 further relief as may be proper under other provisions of law.

11 Dated at Los Angeles, California

12 this 12 day of October, 2005.

13  
14  
15   
16 Janice Waddell  
17 Deputy Real Estate Commissioner

18 cc: Rex McKown  
19 Janice Waddell  
20 Sacto.  
21 CW  
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