

Telephone: (213) 576-6982

FILED
AUG 31 2006
DEPARTMENT OF REAL ESTATE

By C. [Signature]

In the Matter of the Application of

DELVIN JEROME LIVINGSTON,

No. H- 32568 LA
L-2006040516

STIPULATION AND WAIVER

Respondent

It is hereby stipulated by and between DELVIN JEROME LIVINGSTON (hereinafter "Respondent") and Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Jennifer A. Granat, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on March 15, 2006 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 meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

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
27

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
16 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
17 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
18 real estate appraisal. If Respondent fails to timely present to the Department satisfactory
19 evidence of successful completion of the two required courses, the restricted license shall be
20 automatically suspended effective eighteen (18) months after the date of its issuance. Said
21 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
22 has submitted the required evidence of course completion and the Commissioner has given
23 written notice to Respondent of the lifting of the suspension.

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

1
2 8-9-06
3 Dated

JENNIFER A. GRANAT, Counsel, Department of Real Estate

4
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.

17 8-04-06
18 Dated

DELVIN JEROME LIVINGSTON, Respondent

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

20 accordingly.

21 8-4-06
22 Dated

FRANK M. BUDA, Attorney for Respondent

8-9-06

Dated

JENNIFER A. GRANAT, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and 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 Waiver by faxing a copy of the signature page, as actually signed by respondent, to 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.

Dated

DELVIN JEROME LIVINGSTON, Respondent

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

Dated

FRANK M. BUDA, Attorney for Respondent

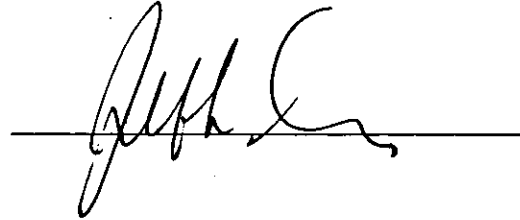
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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 8-15-02

Jeff Davi
Real Estate Commissioner



Telephone: (213) 576-6982
(Direct) (213) 576-6907

FILED
MAR 15 2006
DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-32568 LA
)
 DELVIN JEROME LIVINGSTON,) STATEMENT OF ISSUES
)
 Respondent.)

I

- 1 -

II

CRIMINAL CONVICTIONS

On or about May 27, 1993, in the United States District Court, Western District of Texas, Case No. 92-CR-26-3, Respondent DELVIN JEROME LIVINGSTON was convicted of one (1) count of violating 21 U.S.C. Section 846/841(a)(1) (conspiracy to possess with intent to distribute more than 50 grams "crack" cocaine), a crime involving moral turpitude which is substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

III

On or about October 28, 1993, in the United States District Court, Eastern District of Texas, Case No. 1:92-CR-93-5, Respondent DELVIN JEROME LIVINGSTON was convicted of one (1) count of violating 21 U.S.C. Section 846/841(C) (conspiracy to possess with intent to distribute cocaine), a crime involving moral turpitude which is substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

On or about July 16, 2004, in the Superior Court of California, County of Riverside, Case No. RIM440814, Respondent DELVIN JEROME LIVINGSTON was convicted of one (1) count of violating California Penal Code Section 422 (threaten crime with intent to terror), and one (1) count of violating California

1 Penal Code Section 594(A) (vandalism), crimes involving moral
2 turpitude which are substantially related under Title 10,
3 Chapter 6, Section 2910, California Code of Regulations, to the
4 qualifications, functions or duties of a real estate licensee.

5 V

6 The crimes of which Respondent was convicted, as
7 alleged herein above, constitute cause for denial of
8 Respondent's application for a real estate license under
9 Business and Professions Code Sections 475(a)(2), 480(a)(1)
10 and/or 10177(b).

11 These proceedings are brought under the provisions of
12 Section 10100, Division 4 of the Business and Professions Code
13 of the State of California and Sections 11500 through 11528 of
14 the Government Code.

15 WHEREFORE, Complainant prays that the above-entitled
16 matter be set for hearing and, upon proof of the charges
17 contained herein, that the Commissioner refuse to authorize the
18 issuance of, and deny the issuance of, a real estate salesperson
19 license to Respondent, DELVIN JEROME LIVINGSTON, and for such
20 other and further relief as may be proper under other provisions
21 of law.

22
23 Dated at Los Angeles, California

24 this 9 day of March, 2006.

25
26 
27 Janice Waddell
Deputy Real Estate Commissioner

cc: Delvin Jerome Livingston
FM Tarbell Co./Valentina Jimov
Janice Waddell
Sacto.

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