

Jack Jones

FILED

OCT 10 2007

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6910

DEPARTMENT OF REAL ESTATE
BY: *Laura B. Dion*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 GREGG D. VANCE,)
13 Respondent.)

NO. H-33613 LA
L-2007020719

14 STIPULATION AND WAIVER

15 In the Matter of the Accusation of)
16 GREGG D. VANCE,)
17 Respondent.)

NO. H-33614 LA
L-2007020702

18 It is hereby stipulated by and between GREGG D. VANCE
19 (hereinafter "Respondent") and Respondent's attorney, Craig R.
20 Smith and the Complainant, acting by and through James A. Demus,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation and
23 Statement of Issues filed on January 10, 2007 in this matter:

24 Respondent acknowledges that Respondent has received
25 and read the Statement of Issues, Accusation and the Statement
26 to Respondent filed by the Department of Real Estate in
27

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

19 Respondent hereby admits that the allegations of the
20 Statement of Issues filed against Respondent were true and
21 correct at the time of filing and requests that the Real Estate
22 Commissioner in his discretion issue a restricted real estate
23 broker license to Respondent under the authority of Section
24 10156.5 of the Business and Professions Code.

25 Respondent is aware that by signing this Stipulation
26 and Waiver, Respondent is waiving Respondent's right to a hearing
27 and the opportunity to present evidence at the hearing to

1 establish Respondent's rehabilitation in order to obtain an
2 unrestricted real estate broker license if this Stipulation and
3 Waiver is accepted by the Real Estate Commissioner. However,
4 Respondent is not waiving Respondent's right to a hearing and to
5 further proceedings to obtain a restricted or unrestricted
6 license if this Stipulation and Waiver is not accepted by the
7 Commissioner.

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

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

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

21 b. The receipt of evidence that Respondent has violated
22 provisions of the California Real Estate Law, the Subdivided
23 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
26 issuance of an unrestricted real estate license nor the
27 removal of any of the conditions, limitations or restrictions

1 attaching to the restricted broker license until two years
2 have elapsed from the date of issuance of the restricted
3 broker license to Respondent.

4 In lieu of proceeding in this matter in accordance with
5 the provisions of the Administrative Procedure Act (Sections
6 11400 et seq., of the Business and Professions Code), GREGG D.
7 VANCE will voluntarily surrender his real estate salesperson
8 license(s) issued by the Department of Real Estate

9 ("Department"), pursuant to Business and Professions Code Section
10 10100.2, upon acceptance of this Stipulation and Waiver by the
11 Real Estate Commissioner. Respondent GREGG D. VANCE understands
12 that by so voluntarily surrendering his real estate salesperson
13 license, he may be relicensed only by petitioning for
14 reinstatement pursuant to Section 11522 of the Government Code.
15 Respondent GREGG D. VANCE also understands that by so voluntarily
16 surrendering his real estate salesperson license, Respondent
17 agrees to the following:

18 A. It shall also be deemed to be an understanding
19 and agreement by Respondent GREGG D. VANCE that he waives all
20 rights he has to require the Commissioner to prove the
21 allegations contained in the Accusation filed in this matter at
22 a hearing held in accordance with the provisions of the
23 Administrative Procedure Act (Government Code Sections 11400 et
24 seq.), and that Respondent GREGG D. VANCE also waives other
25 rights afforded to him in connection with the hearing such as
26 the right to discovery, the right to present evidence in defense
27

1 of the allegations in the Accusation and the right to cross-
2 examine witnesses.

3 B. Respondent GREGG D. VANCE freely and voluntarily
4 surrenders all his real estate salesperson license and license
5 rights under the Real Estate Law.

6
7 DATED:

9/12/07

James Demus
8 JAMES DEMUS, Counsel for Complainant

9
10 I have read the Stipulation and Waiver, have
11 discussed it with my counsel, and its terms are understood by
12 me and are agreeable and acceptable to me. I understand that
13 I am waiving rights given to me by the California
14 Administrative Procedure Act (including but not limited to
15 Sections 11506, 11508, 11509, and 11513 of the Government
16 Code), and I willingly, intelligently, and voluntarily waive
17 those rights, including the right of a hearing on the Statement
18 of Issues at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and
20 mitigation of the charges.

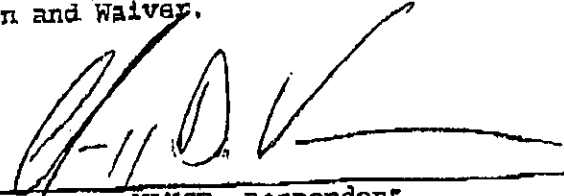
21 Respondent can signify acceptance and approval of the
22 terms and conditions of this Stipulation and Waiver by faxing a
23 copy of the signature page, as actually signed by Respondent,
24 to the Department at the following fax number: (213) 576-6917.
25 Respondent agrees, acknowledges and understands that by
26 electronically sending to the Department a fax copy of his/her
27

P. 07/08

FAX NO.

AUG-03-07 FRI 02:12 PM

1 actual signature as it appears on the Stipulation and Waiver,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed stipulation and Waiver.

5
6
7 DATED: 8/3/07
GREGG D. VANCE, Respondent

8
9
10 I have read the Stipulation and Waiver as to form and
11 content and have advised my client accordingly.

12 DATED: _____

CRAIG R. SMITH, Attorney for Respondent

13
14 ***

15 IT IS HEREBY ORDERED that: Respondent GREGG D. VANCE's
16 petition for voluntary surrender of his real estate salesperson
17 license is accepted as of the effective date of this Order as set
18 forth below, based upon the understanding and agreement expressed
19 in Respondent's Declaration incorporated herein as part of this
20 Stipulation and Waiver. Respondent's license certificate(s),
21 pocket card(s) and any branch office license certificate(s) shall
22 be sent to the below listed address so that they reach the
23 Department on or before the effective date of this Order: I have
24 read the Stipulation and Waiver, Statement of Issues and
25 Accusation filed herein and the foregoing Stipulation and Waiver
26 signed by Respondent. I am satisfied that the hearing for the
27 purpose of requiring further proof as to the honesty and

1 actual signature as it appears on the Stipulation and Waiver,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Waiver.

5
6
7 DATED: _____

8 GREGG D. VANCE, Respondent

9
10 I have read the Stipulation and Waiver as to form and
11 content and have advised my client accordingly.

12 DATED: 8/3/07

13 CRAIG R. SMITH, Attorney for Respondent
14 ***

15 IT IS HEREBY ORDERED that: Respondent GREGG D. VANCE's
16 petition for voluntary surrender of his real estate salesperson
17 license is accepted as of the effective date of this Order as set
18 forth below, based upon the understanding and agreement expressed
19 in Respondent's Declaration incorporated herein as part of this
20 Stipulation and Waiver. Respondent's license certificate(s),
21 pocket card(s) and any branch office license certificate(s) shall
22 be sent to the below listed address so that they reach the
23 Department on or before the effective date of this Order: I have
24 read the Stipulation and Waiver, Statement of Issues and
25 Accusation filed herein and the foregoing Stipulation and Waiver
26 signed by Respondent. I am satisfied that the hearing for the
27 purpose of requiring further proof as to the honesty and

1 actual signature as it appears on the Stipulation and Waiver,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Waiver.

5
6
7 DATED: _____
8 GREGG D. VANCE, Respondent

9
10 *I have read the Stipulation and Waiver as to form and*
11 *content and have advised my client accordingly.*

12 DATED: _____
13 CRAIG R. SMITH, Attorney for Respondent

14 ***

15 IT IS HEREBY ORDERED that: Respondent GREGG D. VANCE's
16 petition for voluntary surrender of his real estate salesperson
17 license is accepted as of the effective date of this Order as set
18 forth below, based upon the understanding and agreement expressed
19 in Respondent's Declaration incorporated herein as part of this
20 Stipulation and Waiver. Respondent's license certificate(s),
21 pocket card(s) and any branch office license certificate(s) shall
22 be sent to the below listed address so that they reach the
23 Department on or before the effective date of this Order: I have
24 read the Stipulation and Waiver, Statement of Issues and
25 Accusation filed herein and the foregoing Stipulation and Waiver
26 signed by Respondent. I am satisfied that the hearing for the
27 purpose of requiring further proof as to the honesty and

1 truthfulness of Respondent need not be called and that it will
2 not be inimical to the public interest to issue a restricted real
3 estate broker license to Respondent.

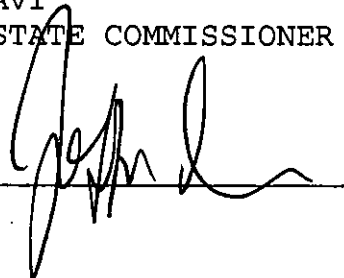
4 Therefore, IT IS HEREBY ORDERED that a restricted real
5 estate broker license be issued to Respondent, if Respondent has
6 otherwise fulfilled all of the statutory requirements for
7 licensure. The restricted license shall be limited,
8 conditioned, and restricted as specified in the foregoing
9 Stipulation and Waiver.

10 The foregoing Stipulation and Waiver is hereby
11 adopted as my Decision in this matter and shall become effective
12 at 12 o'clock noon on OCT 30 2007.

13 IT IS SO ORDERED

10-3-07

14
15 JEFF DAVI
16 REAL ESTATE COMMISSIONER

17 
18
19
20
21
22
23
24
25
26
27

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6910

FILED

JAN 10 2007

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) NO. H-33613 LA
13)
14 GREGG D. VANCE,) STATEMENT OF ISSUES
15)
16 Respondent.)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for Statement of Issues
19 against GREGG D. VANCE, ("Respondent"), is informed and alleges
20 in her official capacity as follows:

21 I

22 On or about June 29, 2006, Respondent made application
23 to the Department of Real Estate of the State of California for
24 a real estate broker license.

25 II

26 On or about June 23, 2005 in the Superior Court of
27 California, County of Los Angeles, in case no. SA055036,
Respondent was convicted of violating California Penal Code

1 Section 245(a)(1) (assault by means of force likely to produce
2 great bodily injury), a felony. The underlying facts of this
3 crime involves moral turpitude, which bears a substantial
4 relationship under Section 2910, Title 10, Chapter 6, California
5 Code of Regulations to the qualifications, functions or duties
6 of a real estate licensee.

7 III

8 The crime of which Respondent was convicted, as
9 alleged in Paragraph II above, constitutes cause for denial of
10 Respondent's application for a real estate license under
11 Business and Professions Code Sections 475(a)(2), 480(a), and
12 10177(b).

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

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

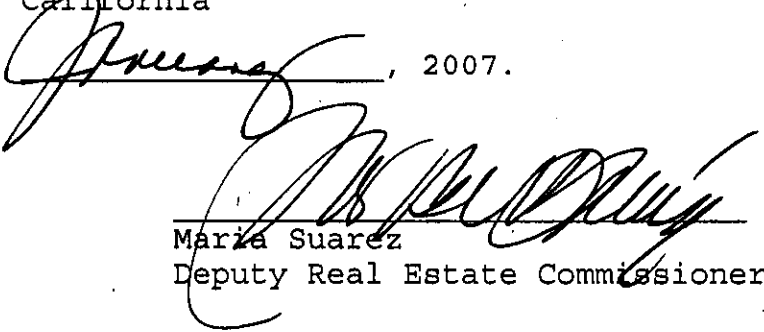
26 ///

27 ///

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

7 Dated at Los Angeles, California

8 this 4th day of January, 2007.

9
10
11 
12 Maria Suarez
13 Deputy Real Estate Commissioner
14
15
16
17
18
19
20
21
22
23

24 cc: Gregg D. Vance
25 America Real Estate Network Inc.
26 Sacto.
27 Maria Suarez