

Telephone: (213) 576-6982

FILED

MAY 31 2007

DEPARTMENT OF REAL ESTATE
BY: [Signature]

In the Matter of the Application of

ZANE X SWEET,

No. H-33982 LA

STIPULATION AND WAIVER

Respondent

I, ZANE X SWEET, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on May 21, 2007 , in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand

1 that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
3 unrestricted real estate salesperson license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
5 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
6 to me under the authority of Section 10156.5 of the Business and Professions Code.

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

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

- 14 1. The license shall not confer any property right in the privileges to be exercised including the right
15 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
16 exercise any privileges granted under this restricted license in the event of:
 - 17 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
18 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 19 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
21 conditions attaching to this restricted license.
- 22 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
23 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
24 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 25 3. With the application for license, or with the application for transfer to a new employing broker, I
26 shall submit a statement signed by the prospective employing broker on a form approved by the
27 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts for
5 which a license is required.

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

12
13 5.22.07

14 Dated

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13 _____
14 ZANE X SWEET, Respondent

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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 ZANE X SWEET 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

May 31, 2007

Jeff Davi
Real Estate Commissioner

Dolores Weeks
By : Dolores Weeks
Regional Manager

ALVARO MEJIA, Counsel (SBN 216956)
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FILED

MAY 21 2007

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-33982 LA
)	
ZANE X. SWEET,)	
)	<u>STATEMENT OF ISSUES</u>
)	
Respondent.)	
)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against ZANE X. SWEET, ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Janice Waddell, 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 November 27, 2006.

3.

(CRIMINAL CONVICTION)

On or about February 10, 1989, in the County of Orange, State of California, in Case no. NM8901685, Respondent was convicted of violating California Code of Civil Procedure section 1209 (Contempt of Court), a misdemeanor. The underlying facts of this criminal conviction involve moral turpitude, which bear a substantial relationship under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

The crime of which Respondent was convicted, as alleged herein above in Paragraph 3 constitutes cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2); 480(a)(1); and/or 10177(b).

5.

(FAILURE TO REVEAL CONVICTION)

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 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent answered "NO", and failed to reveal the conviction described in Paragraph 3, above.

Respondent's failure to reveal the conviction set forth herein in Paragraph 3, above, in his license application, constitutes, 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 480(c) and 10177(a).

The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 and 11529 of the Government Code.

WHEREFORE, Complainant prays that the above entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, ZANE X. SWEET, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California

this 16 day of May, 2007.


Janice Waddell
Deputy Real Estate Commissioner

Cc: ZANE X. SWEET
Janice Waddell
Sacto.
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