

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

OCT - 2 2008

DEPARTMENT OF REAL ESTATE

BY: 

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 YOLANDA ENCINAS SCURLOCK,

12
13 Respondent)

) No. H- 34965 LA

) L-2008061022

) **STIPULATION AND**
) **WAIVER**

14
15 I, YOLANDA ENCINAS SCURLOCK, Respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on May 23, 2008, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
27 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request 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. Respondent's conviction (including a plea of nolo contendere) of 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.
26
27

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 her 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 8/25/08
4 Dated

5 
6 YOLANDA ENCINAS SCURLOCK, Respondent

7 * * *

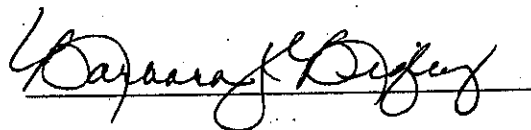
8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
9 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
10 truthfulness of Respondent need not be called and that it will not be inimical to the 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 YOLANDA ENCINAS SCURLOCK if Respondent has otherwise fulfilled all of the statutory
14 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
15 the foregoing Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED 9.29.08

18 Jeff Davi
19 Real Estate Commissioner

20 

21 BY: Barbara J. Bigby
22 Chief Deputy Commissioner

12/08

1 CHERYL D. KELLY, Counsel (SBN 94008)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 (Direct) (213) 576-5770

FILED

MAY 23 2008

DEPARTMENT OF REAL ESTATE
BY: [Signature]

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)	NO. H-34965 LA
)	
13 YOLANDA ENCINAS SCURLOCK,)	
)	<u>STATEMENT OF ISSUES</u>
14)	
15 Respondent)	
16)	

17 The Complainant, Joseph Aiu, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Statement
19 of Issues against YOLANDA ENCINAS SCURLOCK, aka Yolanda E.
20 Darden, aka Yolanda Bell Sanders, aka Yolanda Sanders Darden,
21 aka Yolanda B. Sanders, ("Respondent"), is informed and alleges
22 as follows:

23 1.

24 The Complainant, Joseph Aiu, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues against Respondent in his official capacity.
27

2.

1
2 Respondent made application to the Department of Real
3 Estate of the State of California for a real estate salesperson
4 license on or about June 5, 2007, with the knowledge and
5 understanding that any license issued as a result of said
6 application would be subject to the conditions of Business and
7 Professions Code ("Code") Section 10153.4.

8 (CRIMINAL CONVICTIONS)

9 3.

10 On or about January 27, 2004, in the California
11 Superior Court, Riverside County, in Case No. RIF089999,
12 Respondent was convicted of violating California Penal Code
13 section 32 (Accessory to a Felony), a felony. The underlying
14 facts of this criminal conviction involve moral turpitude, which
15 bear a substantial relationship under Title 10, Chapter 6,
16 Section 2910, California Code of Regulations, to the
17 qualifications, functions or duties of a real estate licensee.
18

19 4.

20 In aggravation, on or about January 18, 2000, in the
21 California Superior Court, Riverside County, in Case No.
22 RIM390256, Respondent was convicted of violating California
23 Health & Safety Code section 11550(A) (Under Influence of
24 Controlled Substance), a misdemeanor.

25 5.

26 In aggravation, on or about March 12, 1997, in the
27 California Superior Court, San Bernardino County, in Case No.

1 MWV030980, Respondent was convicted of violating California
2 Health & Safety Code section 11550(A) (Under the Influence of
3 Controlled Substance), a misdemeanor.

4 6.

5 The crime of which Respondent was convicted, as
6 alleged herein above in Paragraph 3, constitutes cause for
7 denial of Respondent's application for a real estate license
8 under Business and Professions Code Sections 475(a)(2);
9 480(a)(1); and/or 10177(b).

10 The Statement of Issues is brought under the
11 provisions of Section 10100, Division 4 of the Business and
12 Professions Code of the State of California and Sections 11500
13 through 11528 of the Government Code.

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

21 Dated at San Diego, California

22 this 11 day of May, 2008.

23
24 
25 Joseph Aiu
26 Deputy Real Estate Commissioner

27 cc: YOLANDA ENCINAS SCURLOCK
Joseph Aiu
Sacto.