

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

4 Telephone: (213) 576-6982

FILED
DEC. 19, 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 WILLIAM KENNETH SMITH,

12
13 Respondent

) No. H- 35462 LA
)
)

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

14
15 I, WILLIAM KENNETH SMITH, 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 November 14, 2008, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 further 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.

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

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


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

- 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
5 for 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
9 to the Department a fax copy of his 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 November 21, 2008

14 Dated

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WILLIAM KENNETH SMITH, 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 WILLIAM KENNETH SMITH 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 12-12-08

Jeff Davi
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 LISSETE GARCIA, Counsel (SBN 211552)
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
NOV. 14, 2008
DEPARTMENT OF REAL ESTATE

By C. R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-35462 LA
12)
13 WILLIAM KENNETH SMITH,) STATEMENT OF ISSUES
14)
15 Respondent.)
16)

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for Statement of Issues
19 against WILLIAM KENNETH SMITH ("Respondent"), is informed and
20 alleges in her official capacity as follows:

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22 On or about July 24, 2008, Respondent made application
23 to the Department of Real Estate of the State of California for
24 a real estate salesperson license.

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FIRST CAUSE FOR DENIAL
(CRIMINAL CONVICTION)

II

On or about October 10, 1996, in the Municipal Court of California, County of Los Angeles, Case No. 6CR20958, Respondent was convicted of violating Penal Code Section 484(A) (theft of property), a misdemeanor. Said crime bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, Chapter 6, of the California Code of Regulations.

III

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

SECOND CAUSE FOR DENIAL
(FAILURE TO REVEAL CONVICTION)

IV

In response to Question 23 of the license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR FELONY? 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", Respondent marked the box denoted "No", and failed to reveal the conviction described in Paragraph II above.

1 Respondent's failure to disclose the conviction, as
2 set forth in Paragraph II above, in his license application,
3 constitutes the attempt to procure a real estate license by
4 fraud, misrepresentation, or deceit, or by making a false
5 statement of material fact required to be revealed in said
6 application, which is grounds for denial of the issuance of a
7 license under Business and Professions Code Sections 475(a)(1),
8 480(c) and 10177(a).
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10 These proceedings are brought under the provisions of
11 Section 10100, Division 4 of the Business and Professions Code
12 of the State of California and Sections 11500 through 11528 of
13 the California Government Code.
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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 salesperson license to Respondent, WILLIAM KENNETH SMITH,
6 and for such other and further relief as may be proper in the
7 premises.

8 Dated at Los Angeles, California

9 this 6 day of November, 2008.

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12 Deputy Real Estate Commissioner
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24 cc: William Kenneth Smith
25 CB Richard Ellis, Inc./Lewis C. Horne
26 Robin Trujillo
27 Sacto.