

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

3 Telephone: (213) 576-6982

FILED

MAY 22 2009

DEPARTMENT OF REAL ESTATE

BY: 

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

10 *In the Matter of the Application of*

11 RICHARD C. HEITZWEBEL,

14 Respondent

) No. H- 35680 LA

) L-2009031079

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

15 I, RICHARD C. HEITZWEBEL, 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 February 11, 2009, 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.

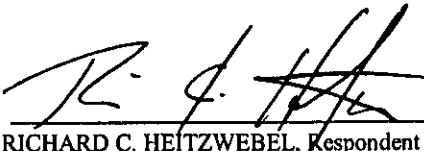
11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 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:

- 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 4/29/2009
14 Dated

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RICHARD C. HEITZWEBEL, 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.

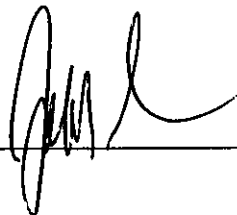
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent RICHARD C. HEITZWEBEL if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

5-15-09

Jeff Davi
Real Estate Commissioner

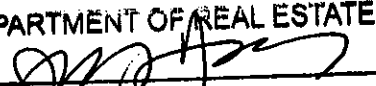


1 CHERYL D. KEILY, Counsel (SBN 94008)
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FEB 11 2009

DEPARTMENT OF REAL ESTATE
BY: 

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) NO. H- 35680 LA
13)
14 RICHARD C. HEITZWEBEL,)
15) STATEMENT OF ISSUES
16 Respondent.)

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Statement
19 of Issues against RICHARD C. HEITZWEBEL, aka Richard
20 Heitzwebel, ("Respondent"), is informed and alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues against Respondent in her official capacity.

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2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate salesperson
3 license on or about August 29, 2008.
4

5 (CRIMINAL CONVICTION)

6 3.

7 On or about November 7, 1986, in the Commonwealth of
8 Pennsylvania, Court of Common Pleas, Lawrence County, in Case
9 No. 509C of 1986, Respondent was convicted of violating
10 Pennsylvania CC 3925(A) (Receiving Stolen Property), a
11 misdemeanor. The underlying facts of this criminal conviction
12 involve moral turpitude, and bear a substantial relationship
13 under Title 10, Chapter 6, Section 2910, California Code of
14 Regulations, to the qualifications, functions or duties of a
15 real estate licensee.
16

17 4.

18 (FAILURE TO REVEAL CONVICTION)

19 In response to Question 1, Part D - Background
20 Information, of his license application, to wit: "HAVE YOU EVER
21 BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED
22 UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU
23 MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A
24 MISDEMEANOR OR FELONY OFFENSE". Respondent answered "No," and
25 failed to reveal the conviction described in Paragraph 3, above.
26

27 Respondent's failure to reveal the conviction set
forth herein in Paragraph 3, above, in his license application

1 constitutes knowingly making a false statement of material fact
2 required to be revealed in said application, which is grounds
3 for denial of the issuance of a license under Business and
4 Professions Code Sections 480(c) and 10177(a).

5 5.

6 The crime of which Respondent was convicted, as
7 alleged herein above in Paragraph 3, constitutes cause for
8 denial of Respondent's application for a real estate license
9 under Business and Professions Code Sections 475(a)(2);
10 480(a)(1); and/or 10177(b).

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

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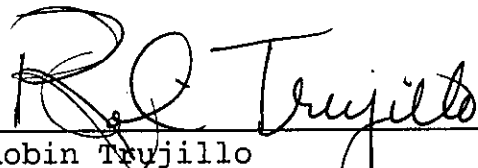
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1 WHEREFORE, Complainant prays that the above entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, RICHARD C. HEITZWEBEL, and for such other
6 and further relief as may be proper under other provisions of
7 law.

8 Dated at Los Angeles, California

9 this 9 day of February 2009.
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12 _____
13 Robin Trujillo
14 Deputy Real Estate Commissioner
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25 cc: RICHARD C. HEITZWEBEL
26 Robin Trujillo
27 Sacto.