

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

4 Telephone: (213)576-6982

FILED
MAR 16 2009
DEPARTMENT OF REAL ESTATE

By Laura B. [Signature]

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9 *In the Matter of the Application of*

10 **CESSLY M. BARTLETT,**

11 Respondent.

) No. H-35755 LA

) **STIPULATION AND WAIVER**

12)
13)
14)
15 I, CESSLY M. BARTLETT, 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 March 05, 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

1 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
2 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
3 issuance to me of an 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. I understand that any
7 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
8 Professions Code.

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

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

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

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- 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 for
8 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*
13 *one* ☒ of the courses listed in Section 10153.2, other than real estate principles, advanced legal
14 aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to
15 timely present to the Department satisfactory evidence of successful completion of the two
16 required courses, the restricted license shall be automatically suspended effective eighteen (18)
17 months after the date of its issuance. Said suspension shall not be lifted unless, prior to the
18 expiration of the restricted license, I have submitted the required evidence of course completion
19 and the 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 to
27 the Department a fax copy of his/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 the
2 original signed Stipulation and Waiver.

3 3-7-09

4 Dated

5 Cessly M. Bartlett, Respondent
6 CESSLY M. BARTLETT, 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 CESSLY M. BARTLETT if respondent has otherwise fulfilled all of the statutory requirements
14 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
15 Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED

18 March 12, 2009

19 Jeff Davi
20 Real Estate Commissioner

21 BY:

22 Dolores Weeks

23 DOLORES WEEKS
24 Regional Manager

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
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FILED
MAR - 5 2009
DEPARTMENT OF REAL ESTATE

By Laura B. Orman

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of) NO. H-35755 LA
12)
13 CESSLY M. BARTLETT,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Joseph Aiu, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against CESSLY M. BARTLETT, ("Respondent"), is informed and
19 alleges in his official capacity as follows:

20 1.

21 On or about March 28, 2007, Respondent made
22 application to the Department of Real Estate of the State of
23 California for a real estate salesperson license with the
24 knowledge and understanding that any license issued as a result
25 of said application would be subject to the conditions of
26 Business and Professions Code Section 10153.4.
27

1 FIRST CAUSE FOR DENIAL
2 (CRIMINAL CONVICTIONS)
3

4 2.

5 On or about February 22, 1991, Respondent was
6 convicted in the Municipal Court of Pomona, State of California,
7 Case No. 91M01427, for violating California Penal Code Section
8 487.2 (grand theft from person), a misdemeanor. Said crime
9 involves moral turpitude and bears a substantial relationship
10 under Section 2910, Title 10, Chapter 6, California Code of
11 Regulations, to the qualifications, functions or duties of a
12 real estate licensee.

13 3.

14 On or about March 28, 1991, Respondent was convicted
15 in the Municipal Court of Riverside, County of Riverside, State
16 of California, Case No. 20075, for violating California Penal
17 Code Sections 484/488 (theft), a misdemeanor. Said crime
18 involves moral turpitude and bears a substantial relationship
19 under Section 2910, Title 10, Chapter 6, California Code of
20 Regulations, to the qualifications, functions or duties of a
21 real estate licensee. In aggravation, Respondent was also
22 convicted for violating California Penal Code Section 647(b)
23 (disorderly conduct: prostitution), a misdemeanor.

24 4.

25 On or about February 7, 1992, Respondent was convicted
26 in the Municipal Court of Ontario, State of California, Case No.
27 RCR19475, for violating California Penal Code Section

1 487.2 (grand theft from person), a misdemeanor. Said crime
2 involves moral turpitude and bears a substantial relationship
3 under Section 2910, Title 10, Chapter 6, California Code of
4 Regulations, to the qualifications, functions or duties of a
5 real estate licensee.

6 (CRIMES IN AGGRAVATION)

7 5.

8 In aggravation, on or about December 27, 1990,
9 Respondent was convicted in the Municipal Court of Inglewood,
10 County of Los Angeles, State of California, Case No. 90M07662,
11 for violating California Penal Code Section 372 (maintaining a
12 public nuisance), a misdemeanor.

13 6.

14 In aggravation, on or about January 22, 1991,
15 Respondent was convicted in the Municipal Court of Rancho
16 Cucamonga, County of San Bernardino, State of California, Case
17 No. MWV29182, for violating California Penal Code Section 647(b)
18 (disorderly conduct: prostitution), a misdemeanor.

19 7.

20 In aggravation, on or about February 26, 1991,
21 Respondent was convicted in the Municipal Court of Newport
22 Beach, County of Orange, State of California, Case No.
23 CHM100642(B), for violating California Penal Code Section 647(g)
24 (disorderly conduct: loitering on public property), a
25 misdemeanor.

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1 8.

2 In aggravation, on or about December 18, 1991,
3 Respondent was convicted in the Municipal Court of Pomona, State
4 of California, Case No. 91M07744, for violating California Penal
5 Code Section 647(a) (disorderly conduct: soliciting a lewd act),
6 a misdemeanor.

7 9.

8 In aggravation, on or about April 9, 1992, Respondent
9 was convicted in the Municipal Court of Pomona, State of
10 California, Case No. 92M00836, for violating California Penal
11 Code Section 647(b) (disorderly conduct: soliciting a lewd act),
12 a misdemeanor.

13 10.

14 The crimes of which Respondent was convicted, as
15 alleged in Paragraphs 2 through 4 above, constitute cause for
16 denial of Respondent's application for a real estate license
17 under Business and Professions Code Sections 475(a)(2), 480(a)
18 and 10177(b).

19 SECOND CAUSE FOR DENIAL

20 (FAILURE TO DISCLOSE CONVICTIONS)

21 11.

22 In response to Question 25 of the license application,
23 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
24 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
25 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
26 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent
27

1 failed to reveal the convictions described in Paragraphs 2
2 through 4 above.

3 12.

4 Respondent's failure to disclose the convictions, as
5 set forth in Paragraphs 2 through 4 above, in her license
6 application, constitutes an attempt to procure a real estate
7 license by fraud, misrepresentation, or deceit, or by making a
8 false statement of material fact required to be revealed in said
9 application, which is grounds for denial of the issuance of a
10 license under Business and Professions Code Sections 475(a)(1),
11 480(c) and 10177(a).

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

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WHEREFORE, the 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, CESSLY M. BARTLETT, and for such other and further relief as may be proper in the premises.

Dated at San Diego, California

this 3 day of March, 2009.

Joseph Aiu
Deputy Real Estate Commissioner

cc: Cessly M. Bartlett
Darrell Lynn Clardy
Joseph Aiu
Sacto.