

FILED
NOV 17 2009
DEPARTMENT OF REAL ESTATE

R. Thiele

In the Matter of the Application of

JIM A. RICKWALT,

STIPULATION AND WAIVER

Respondent

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 26, 2009, 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 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. The conviction of respondent (including a plea of nolo contendere) to 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.

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13 October 15th 2009
14 Dated

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Jim A. Rickwalt
JIM A. RICKWALT, 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.

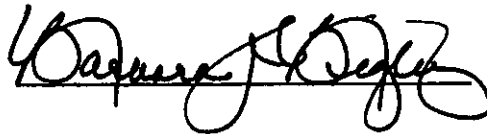
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent JIM A. RICKWALT if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing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

This Order is effective immediately.

IT IS SO ORDERED

11-4-09

Jeff Davi
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

*facts
file*

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FILED
MAY 26 2009

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	NO. H-35993 LA
	)	
JIM A. RICKWALT,	)	
	)	<u>STATEMENT OF ISSUES</u>
	)	
Respondent.	)	
	)	

The Complainant, Joseph D. Aiu, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against JIM A. RICKWALT, aka Jimmie Alan Rickwalt, Jr., Jim A. Rickwalt, Jr., Jim Rickwalt ("Respondent"), is informed and alleges as follows:

1.

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

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2.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about June 16, 2008.

(CRIMINAL CONVICTIONS)

3.

On or about July 22, 1991, in the California Superior Court, County of Los Angeles, in Case No. 91M07280, Respondent was convicted of violating Penal Code Section 487.1(Grand Theft: Property), a misdemeanor. This criminal conviction is substantially related to the qualifications, functions or duties of a real estate licensee under Title 10, Chapter 6, Section 2910, California Code of Regulations.

4.

On or about July 25, 2001, in the California Superior Court, County of Los Angeles, in Case No. KA052770, Respondent was convicted of violating three counts of Penal Code Section 459(Residential Burglary), all felonies. These criminal convictions are substantially related to the qualifications, functions or duties of a real estate licensee under Title 10, Chapter 6, Section 2910, California Code of Regulations.

5.

The crimes of which Respondent was convicted, as alleged herein above in Paragraphs 3 and 4, constitute cause for denial of Respondent's application for a real estate license

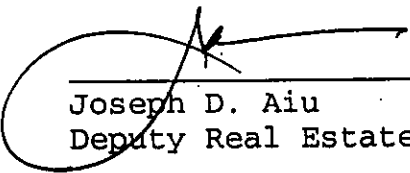
1 under Business and Professions Code Sections 475(a)(2);
2 480(a)(1); and/or 10177(b).

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

7 WHEREFORE, Complainant prays that the above entitled
8 matter be set for hearing and, upon proof of the charges
9 contained herein, that the Commissioner refuse to authorize the
10 issuance of, and deny the issuance of, a real estate salesperson
11 license to Respondent, JIM A. RICKWALT, and for such other and
12 further relief as may be proper in the premises.

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14 Dated at San Diego, California

15 This 18 day of May, 2009.
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20 Joseph D. Aiu
21 Deputy Real Estate Commissioner
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25 Cc: JIM A. RICKWALT
26 Rose Maxine Marrotte
27 Joseph D. Aiu
Sacto.