

JAN 21 2011

DEPARTMENT OF REAL ESTATE
BY: K. Miller

Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

)
) No. H- 36689 LA

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

Respondent

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted 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
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to 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
20 a 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
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.

24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,

2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as
4 follows:

5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
6 restricted license; and

7 b. That broker will carefully review all transaction documents prepared by the restricted
8 licensee and otherwise exercise close supervision over the licensee's performance of acts
9 for which a license is required.

10 12-1-10

11 Dated



11 AMELIA V. VETRONE, Counsel, Department of Real Estate

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14 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
16 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
17 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
18 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and mitigation of the charges.

20 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
21 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
22 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
23 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
24 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
25 the original signed Stipulation and Waiver.

26 _____
27 Dated

NICOLE BUCKNER, Respondent

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

10/26/10

Dated


NICOLE BUCKNER, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

10-26-10

Dated


Tangela D. Terry, Attorney for 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, 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

Jeff Davi
Real Estate Commissioner

1 I have reviewed the Stipulation and Waiver as to form and content and have advised my client
2 accordingly.

3 _____
4 Dated

Tangela D. Terry, Attorney for Respondent

5 * * *

6 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
7 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
8 truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a
9 restricted real estate salesperson license to Respondent.

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

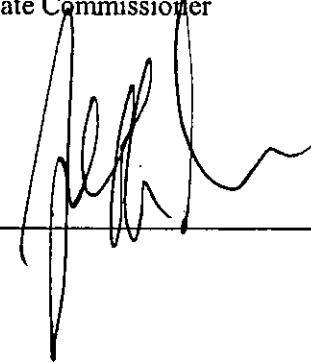
14 This Order is effective immediately.

15 IT IS SO ORDERED

12/31/2010

16 Jeff Davi
17 Real Estate Commissioner

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*Subd
gls*

FILED

JUN 17 2010

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2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6940

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-36689 LA
12)
13 NICOLE BUCKNER,)
14)
15 Respondent.)
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28 The Complainant, Maria Suarez, a Deputy Real Estate
29 Commissioner of the State of California, acting in her official
30 capacity, for Statement of Issues against NICOLE BUCKNER,
31 ("Respondent") alleges as follows:

32 1.

33 On or about September 13, 2008, Respondent made
34 application to the Department of Real Estate of the State of
35 California for a real estate salesperson license.

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1 2.

2 (CRIMINAL CONVICTION)

3 On or about October 10, 2008, in the Superior Court of
4 California, County of San Bernardino, Case No. FSB802313,
5 Respondent was convicted of violating Penal Code Section 496(a)
6 (Receiving Stolen Property), a misdemeanor. Said crime bears a
7 substantial relationship to the qualifications, functions or
8 duties of a real estate licensee under Section 2910, Title 10,
9 Chapter 6, California Code of Regulations.

10 3.

11 The crime of which Respondent was convicted as alleged
12 in paragraph 2, above, constitutes cause for denial of
13 Respondent's application for a real estate license under
14 Business and Professions Code Sections 475(a)(2), 480(a), and
15 10177(b).

16 These proceedings are brought under the provisions of
17 Section 10100, Division 4 of the Business and Professions Code
18 of the State of California and Sections 11500 through 11528 of
19 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, NICOLE BUCKNER, and
6 for such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California: June 14, 2010.

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13 Maria Suarez
14 Deputy Real Estate Commissioner
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25 cc: NICOLE BUCKNER
26 Maria Suarez
27 Sacto