

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

3 Telephone: (213) 576-6982

**FILED**  
MAR 29 2011  
DEPARTMENT OF REAL ESTATE

By         

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 DAWN HEMBY CORTESE,

13 Respondent

)  
) No. H- 37018 LA  
)  
)

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

15 It is hereby stipulated by and between DAWN HEMBY CORTESE (hereinafter "Respondent") and  
16 Respondent's attorney, Mary E. Work, and the Complainant, acting by and through Lissete Garcia, Counsel  
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of  
18 Issues filed on January 19, 2011 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's  
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner  
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's  
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the  
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and  
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 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.

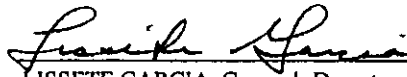
14 Respondent further understands that the following conditions, limitations, and restrictions will attach  
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 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. Respondent's conviction (including a plea of nolo contendere) of 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  
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  
11       4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a  
12       certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000,  
13       Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime  
14       for which Respondent was arrested and the name and address of the arresting law enforcement  
15       agency. Respondent's failure to timely file written notice shall constitute an independent  
16       violation of the terms of the restricted license and shall be grounds for the suspension or  
17       revocation of that license.

18       3/9/11

Dated



LISSETE GARCIA, Counsel, Department of Real Estate

19  
20       \* \* \*

21       I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are  
22       understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me  
23       by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,  
24       and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,  
25       including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine  
26       witnesses against me and to present evidence in defense and mitigation of the charges.  
27

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.

3/10/11  
Dated

  
DAWN HEMBY CORTESE, Respondent

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

3/10/11  
Dated

  
MARY E. WORK, Attorney for 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.

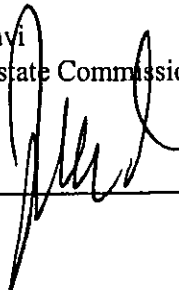
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation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

This Order is effective immediately.

IT IS SO ORDERED

3/24/2011

Jeff Davi  
Real Estate 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  
6 (Direct) (213) 576-6914

FILED  
JAN 19 2011  
DEPARTMENT OF REAL ESTATE

By                     

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 ) NO. H- 37018 LA  
13 DAWN HEMBY CORTESE, )  
14 ) STATEMENT OF ISSUES  
Respondent. )

15 The Complainant, Robin Trujillo, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against DAWN HEMBY CORTESE (hereinafter "Respondent"), is informed  
18 and alleges in her official capacity as follows:

19 I

20 On or about August 16, 2010, Respondent made application  
21 to the Department of Real Estate of the State of California for a  
22 real estate salesperson license.

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II

On or about July 18, 2008, in the Superior Court of California, County of Ventura, Case No. 2007040401, Respondent pled guilty to a violation of California Penal Code Section 484, subdivision (a) (petty theft), a misdemeanor. Said crime bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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).

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

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

8 Dated at Los Angeles, California

9 this 7 day of January, 2011.  
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11   
12 ROBIN TRUJILLO  
13 Deputy Real Estate Commissioner  
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23 cc: Dawn Hemby Cortese  
24 Robin Trujillo  
25 Sacto.  
26  
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