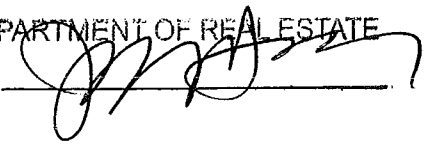


1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

JUN 01 2012

DEPARTMENT OF REAL ESTATE
BY: 

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

10 *In the Matter of the Application of*
11 JUSTIN A. KAUTZ,

13 Respondent

)
) No. H-37884 LA
) OAH NO. 2012031262
) **STIPULATION AND**
) **WAIVER**

15 It is hereby stipulated by and between JUSTIN A. KAUTZ (hereinafter "Respondent") and
16 Respondent's attorney, FREDRICK M.. RAY, and the Complainant, acting by and through Julie To ,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Statement of Issues filed on February 15, 2012 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 to
3 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 estate
6 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 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 Waiver
13 is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach to
15 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 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. 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 nor
25 the removal of any of the conditions, limitations, or restrictions attaching to the restricted license
26 until two years have elapsed from the date of issuance of the restricted license to Respondent.

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3. With the application for license, or with the application for transfer to a new employing broker,
Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:
- a. That broker has read the Statement of Issues which is the basis for the issuance of the
restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted
licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

04-27-12



Dated

Julie To , Counsel, Department of Real Estate

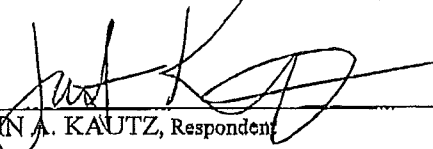
* * *

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

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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 his 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.

4/26/12
Dated


JUSTIN A. KAUTZ, Respondent

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

4/26/12
Dated


FREDRICK M. RAY, 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 _____

Real Estate Commissioner

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

7 _____
8 Dated

JUSTIN A. KAUTZ, Respondent

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

11 _____
12 Dated

FREDRICK M.. RAY, Attorney for Respondent

13 * * *


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

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19 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
20 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
21 Waiver.

22 This Order is effective immediately.

23 IT IS SO ORDERED May 21, 2012

24 Real Estate Commissioner

25 
26 By WAYNE S. BELL
27 Chief Counsel