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FILED

JUN - 7 2012

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105
3 Telephone: (213) 576-6982
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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 GARRETT F. HESS,) No. H- 38189 LA
13 Respondent.) STIPULATION AND WAIVER
(B&P 10100.4)

14
15 I, GARRETT F. HESS ("Respondent"), do hereby affirm that I
16 have applied to the Department of Real Estate for a real estate
17 broker license, and that to the best of my knowledge I have
18 satisfied all of the statutory requirements for the issuance of
19 the license, including, but not limited to, the payment of the
20 fee therefor.

21 I acknowledge that by entering into this Stipulation and
22 Waiver, I am stipulating that the Real Estate Commissioner has
23 found grounds that justify the denial of the issuance of an
24 unrestricted real estate broker license to me. I agree that
25 there are grounds to deny the issuance of an unrestricted real
26 estate broker license to me pursuant to California Business and
27

1 Professions Code Sections 480, 10177(a), and 10177(b) for my
2 failure to reveal a violation of California Penal Code Section
3 484 (petty theft), a misdemeanor, on my license application.

4 I hereby request that the Real Estate Commissioner in her
5 discretion issue a restricted real estate broker license to me
6 under the authority of California Business and Professions Code
7 Sections 10100.4 and 10156.5. I understand that any such
8 restricted license will be issued subject to the provisions of
9 and limitations of California Business and Professions Code
10 Sections 10156.6 and 10156.7.

11 I understand that by my signing of this Stipulation and
12 Waiver, provided this Stipulation and Waiver is accepted and
13 signed by the Real Estate Commissioner, the Real Estate
14 Commissioner will not file a Statement of Issues based on the
15 grounds herein, and I am waiving my right to a hearing and the
16 opportunity to present evidence at the hearing to establish my
17 rehabilitation in order to obtain an unrestricted real estate
18 broker license.

19 I further understand that the following conditions,
20 limitations, and restrictions will attach to a restricted real
21 estate broker license issued by the Department of Real Estate
22 pursuant hereto:

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- 1 1. The license shall not confer any property right in the
2 privileges to be exercised including the right of
3 renewal, and the Real Estate Commissioner may by
4 appropriate order suspend the right to exercise any
5 privileges granted under this restricted license in the
6 event of:
- 7 a. The conviction of Respondent (including a plea of
8 nolo contendere) to a crime that bears a substantial
9 relationship to Respondent's fitness or capacity as a
10 real estate licensee; or
- 11 b. The receipt of evidence that Respondent has violated
12 provisions of the California Real Estate Law, the
13 Subdivided Lands Law, Regulations of the Real Estate
14 Commissioner, or conditions attaching to this
15 restricted license.
- 16 2. I shall not be eligible to apply for the issuance of an
17 unrestricted real estate license nor the removal of any
18 of the conditions, limitations, or restrictions
19 attaching to the restricted license until three (3)
20 years have elapsed from the date of issuance of the
21 restricted license to Respondent.
- 22 3. I shall notify the Real Estate Commissioner in writing
23 within 72 hours of any arrest by sending a certified
24 letter to the Real Estate Commissioner at the Department
25 of Real Estate, Post Office Box 187000, Sacramento, CA
26 95818-7000. The letter shall set forth the date of
27 Respondent's arrest, the crime for which Respondent was

1 arrested, and the name and address of the arresting law
2 enforcement agency. Respondent's failure to timely file
3 written notice shall constitute an independent violation
4 of the terms of the restricted license and shall be
5 grounds for the suspension or revocation of that
6 license.

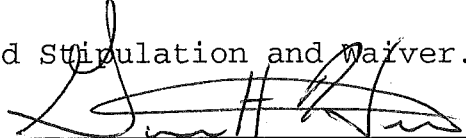
7
8 04/02/2012
Dated

Diane Lee
Diane Lee, Counsel
Department of Real Estate

- 9
- 10 4. I have read the Stipulation and Waiver, and its terms
11 are understood by me and are agreeable and acceptable to
12 me. I understand that I am waiving rights given to me
13 by the California Administrative Procedure Act
14 (including, but not limited to, California Government
15 Code Sections 11504, 11506, 11508, 11509, and 11513),
16 and I willingly, intelligently, and voluntarily waive
17 those rights, including, but not limited to, the right
18 to a hearing at which I would have the right to cross-
19 examine witnesses against me and to present evidence in
20 defense and mitigation of the charges.
- 21 5. Respondent can signify acceptance and approval of the
22 terms and conditions of this Stipulation and Waiver by
23 faxing a copy of its signature page, as actually signed
24 by Respondent, to the Department of Real Estate at the
25 following telephone/fax number: (213) 576-6917.
26 Respondent agrees, acknowledges, and understands that by
27 electronically sending to the Department of Real Estate

1 a fax copy of his actual signature as it appears on the
2 Stipulation and Waiver, that receipt of the faxed copy by
3 the Department of Real Estate shall be as binding on
4 Respondent as if the Department of Real Estate had
5 received the original signed Stipulation and Waiver.

6
7 3-29-12
8 Dated


9
10 GARRETT F. HESS, Respondent

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


17 Therefore, IT IS HEREBY ORDERED that a restricted real
18 estate broker license be issued to Respondent GARRETT F. HESS
19 if Respondent has otherwise fulfilled all of the statutory
20 requirements for licensure. The restricted broker license
21 shall be limited, conditioned, and restricted as specified in
22 the foregoing Stipulation and Waiver.

23 This Order is effective immediately.

24
25 IT IS SO ORDERED

4/22/2012

26 Real Estate Commissioner


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By WAYNE S. BELL
Chief Counsel