

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

4 Telephone: (213) 576-6982

**FILED**

JUN 12 2012

DEPARTMENT OF REAL ESTATE  
BY: R. Shederhals

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 BARRY WALKER, )

13 Respondent. )

No. H- 38196 LA

**STIPULATION AND WAIVER**

(B&P 10100.4)

14  
15 I, BARRY WALKER ("Respondent"), do hereby affirm that I have  
16 applied to the Department of Real Estate for a real estate  
17 salesperson 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 salesperson license to me. I agree that  
25 there are grounds to deny the issuance of an unrestricted real  
26 estate salesperson license to me pursuant to California Business  
27

1 and Professions Code Sections 480, 10177(a), and 10177(b) for my  
2 failure to reveal a violation of California Penal Code Section  
3 484(a) (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 salesperson license to  
6 me under the authority of California Business and Professions  
7 Code 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 salesperson license.

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

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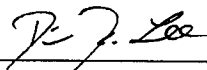
- 1       1. The license shall not confer any property right in the  
2       privileges to be exercised including the right of  
3       renewal, and the Real Estate Commissioner may by  
4       appropriate order suspend the right to exercise any  
5       privileges granted under this restricted license 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 two (2) years  
20      have elapsed from the date of issuance of the restricted  
21      license to Respondent.
- 22      3. With the application for license, or with the application  
23      for transfer to a new employing broker, Respondent shall  
24      submit a statement signed by the prospective employing  
25      real estate broker on a form RE 552 (Rev. 4/88) approved  
26      by the Department of Real Estate which shall certify as  
27      follows:

1 a. That the employing broker has read the Decision which  
2 is the basis for the issuance of the restricted  
3 license; and

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

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

21 05/02/2012  
22 Dated

  
23 Diane Lee, Counsel  
24 Department of Real Estate

25 5. I have read the Stipulation and Waiver, and its terms  
26 are understood by me and are agreeable and acceptable to  
27 me. I understand that I am waiving rights given to me  
by the California Administrative Procedure Act

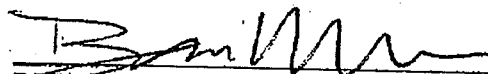
1 (including, but not limited to, California Government  
2 Code Sections 11504, 11506, 11508, 11509, and 11513),  
3 and I willingly, intelligently, and voluntarily waive  
4 those rights, including, but not limited to, the right  
5 to a hearing at which I would have the right to cross-  
6 examine witnesses against me and to present evidence in  
7 defense and mitigation of the charges.

8 6. Respondent can signify acceptance and approval of the  
9 terms and conditions of this Stipulation and Waiver by  
10 faxing a copy of its signature page, as actually signed  
11 by Respondent, to the Department of Real Estate at the  
12 following telephone/fax number: (213) 576-6917.

13 Respondent agrees, acknowledges, and understands that by  
14 electronically sending to the Department of Real Estate  
15 a fax copy of his actual signature as it appears on the  
16 Stipulation and Waiver, that receipt of the faxed copy  
17 by the Department of Real Estate shall be as binding on  
18 Respondent as if the Department of Real Estate had  
19 received the original signed Stipulation and Waiver.

20 5-1-12

21 Dated

22   
23 BARRY WALKER, Respondent

24 I have read the foregoing Stipulation and Waiver signed by  
25 Respondent. I am satisfied that the hearing for the purpose of  
26 requiring further proof as to the honesty and truthfulness of  
27 Respondent need not be called and that it will not be inimical to

1 (including, but not limited to, California Government  
2 Code Sections 11504, 11506, 11508, 11509, and 11513),  
3 and I willingly, intelligently, and voluntarily waive  
4 those rights, including, but not limited to, the right  
5 to a hearing at which I would have the right to cross-  
6 examine witnesses against me and to present evidence in  
7 defense and mitigation of the charges.

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16 Stipulation and Waiver, that receipt of the faxed copy  
17 by the Department of Real Estate shall be as binding on  
18 Respondent as if the Department of Real Estate had  
19 received the original signed Stipulation and Waiver.  
20

21 Dated \_\_\_\_\_

\_\_\_\_\_  
BARRY WALKER, Respondent

22  
23 I have read the foregoing Stipulation and Waiver signed by  
24 Respondent. I am satisfied that the hearing for the purpose of  
25 requiring further proof as to the honesty and truthfulness of  
26 Respondent need not be called and that it will not be inimical to  
27

1 the public interest to issue a restricted real estate salesperson  
2 license to Respondent.

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

9 This Order is effective immediately.

10 IT IS SO ORDERED

May 21, 2012

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Real Estate Commissioner

14 By WAYNE S. BELL  
15 Chief Counsel  
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