

Shirley Files

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

FILED

NOV 21 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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4 Telephone: (213) 576-6982
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8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

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12 *In the Matter of the Application of*

13 KRISTEN MARIE WALKER,

14 Respondent
15

) No. H- 38270 LA

) **STIPULATION AND WAIVER**

16 It is hereby stipulated by and between Kristen Marie Walker (hereinafter "Respondent") and
17 Respondent's attorney, John D. Bishop, and the Complainant, acting by and through Diane Lee,
18 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
19 the Statement of Issues filed on July 17, 2012 and the First Amended Statement of Issues filed on
20 July 26, 2012 ("Statement of Issues") in this matter:

21 Respondent affirms that Respondent has applied to the Department of Real Estate for a real
22 estate broker license and that to the best of Respondent's knowledge, Respondent has satisfied all
23 of the statutory requirements for the issuance of the license, including the payment of the fee
24 therefor.

25 Respondent acknowledges that Respondent has received and read the Statement of Issues and
26 the Statement to Respondent filed by the Department of Real Estate in connection with
27 Respondent's application for a real estate broker license. Respondent understands that the Real

1 Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring
2 further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or
3 that he may in his discretion waive the hearing and grant Respondent a restricted real estate
4 salesperson license based upon this Stipulation and Waiver. Respondent also understands that by
5 filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to
6 Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance
7 of a real estate broker license. Respondent further understands that by entering into this stipulation
8 and waiver, Respondent will be stipulating that the Real Estate Commissioner has found that
9 Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
10 Respondent of an unrestricted real estate broker license.

11 Respondent hereby admits that the allegations of the Statement of Issues filed against
12 Respondent are true and correct and requests that the Real Estate Commissioner in his discretion
13 issue a restricted real estate salesperson license to Respondent under the authority of Section
14 10156.5 of the Business and Professions Code.

15 Respondent is aware that by signing this Stipulation and Waiver, and if this Stipulation and
16 Waiver is accepted by the Real Estate Commissioner, Respondent is waiving Respondent's right to
17 a hearing and the opportunity to present evidence at the hearing to establish Respondent's
18 rehabilitation in order to obtain an unrestricted real estate broker license. However, Respondent is
19 not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or
20 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

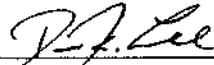
21 Respondent further understands that the following conditions, limitations, and restrictions will
22 attach to a restricted salesperson license issued by the Department of Real Estate pursuant hereto:

- 23 1. The license shall not confer any property right in the privileges to be exercised including
24 the right of renewal, and the Real Estate Commissioner may by appropriate order suspend
25 the right to exercise any privileges granted under this restricted license in the event of:
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- 1 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
2 bears a substantial relationship to Respondent's fitness or capacity as a real estate
3 licensee; or
- 4 b. The receipt of evidence that Respondent has violated provisions of the California
5 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
6 Commissioner, or conditions attaching to this restricted license.
- 7 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
8 license nor the removal of any of the conditions, limitations, or restrictions attaching to
9 the restricted license until 3 years have elapsed from the date of issuance of the restricted
10 license to Respondent.
- 11 3. With the application for license, or with the application for transfer to a new employing
12 broker, Respondent shall submit a statement signed by the prospective employing broker
13 on a form approved by the Department of Real Estate wherein the employing broker shall
14 certify as follows:
- 15 a. That broker has read the Statement of Issues which is the basis for the issuance of
16 the restricted license; and
- 17 b. That broker will carefully review all transaction documents prepared by the
18 restricted licensee and otherwise exercise close supervision over the licensee's
19 performance of acts for which a license is required.
- 20 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
21 sending a certified letter to the Commissioner at the Department of Real Estate, Post
22 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
23 Respondent's arrest, the crime for which Respondent was arrested and the name and
24 address of the arresting law enforcement agency. Respondent's failure to timely file
25 written notice shall constitute an independent violation of the terms of the restricted
26 license and shall be grounds for the suspension or revocation of that license.
27

09/17/2012

Dated



Diane Lee, 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.

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.

Dated

Kristen Marie Walker, Respondent

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Dated

Diane Lee, Counsel
Department of Real Estate

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9/17/12
Dated

K Walker
Kristen Marie Walker, Respondent

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

9/17/12
Dated


John D. Bishop
Attorney for Respondent

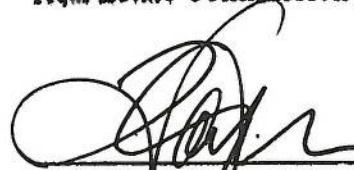
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public 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

11/16/2012
Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel