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**FILED**

**AUG 27 2012**

**DEPARTMENT OF REAL ESTATE**

BY: *Zoni*

1 JULIE TO, Counsel (SBN 219482)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6916

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Application of ) No. H-38376 LA  
11 STEWART BAXTER, )  
12 Respondent. ) STATEMENT OF ISSUES  
13 )

14 The Complainant, Robin Trujillo, a Deputy Real Estate  
15 Commissioner of the State of California, for Statement of Issues  
16 against STEWART BAXTER, a.k.a. Stewart Nesmith Baxter  
17 ("Respondent"), alleges as follows:

18 1.

19 The Complainant makes this Statement of Issues against  
20 Respondent in her official capacity as a Deputy Real Estate  
21 Commissioner of the State of California.

22 2.

23 On or about October 12, 2010, Respondent made  
24 application to the Department of Real Estate of the State of  
25 California for a real estate salesperson license.

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1 3.

2 On or about February 9, 2006, in the Superior Court of  
3 California, County of Los Angeles, Case No. 6LG00178, Respondent  
4 pled *nolo contendere* and was convicted of violating California  
5 Penal Code Section 485 (theft), a misdemeanor. Respondent was  
6 sentenced to three years summary probation, ordered to serve 15  
7 days in county jail, and ordered to pay fines.

8 4.

9 On or about August 22, 2005, in the Superior Court of  
10 California, County of Los Angeles, Case No.5LC04204, Respondent  
11 pled *nolo contendere* and was convicted of violating California  
12 Penal Code Section 487(a)(grand theft), a misdemeanor.  
13 Respondent was sentenced to 36 months summary probation, ordered  
14 to serve 30 days in county jail, and ordered to pay fines. In  
15 addition, Respondent was ordered to stay at least 100 yards from  
16 the victim's person, residence, place of business, and/ or  
17 school.

18 5.

19 On or about July 22, 2005, in the Superior Court of  
20 California, County of Los Angeles, Case No.5LM04834, Respondent  
21 pled *nolo contendere* and was convicted of violating California  
22 Penal Code Section 484(a)(petty theft), a misdemeanor.  
23 Respondent was sentenced to one year summary probation and  
24 ordered to pay fines (or perform 40 hours of community service  
25 or serve five days in county jail). Additionally, Respondent was  
26 ordered to stay at least 100 yards away from the Walmart located  
27 at 151 E. 5<sup>th</sup> St.

6.

On or about September 17, 2003, in the Superior Court of California, County of Los Angeles, Case No.3LL02195, Respondent pled *nolo contendere* and was convicted of violating California Vehicle Code Section 12500(a) (driving w/out a license), a misdemeanor. Respondent was sentenced to one year summary probation and ordered to pay fines (or perform five days community service).

7.

These crimes, by their facts and circumstances, bear 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.

8.

The crimes of which Respondent was convicted constitute 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-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, STEWART BAXTER, and  
6 for such other and further relief as may be proper under other  
7 applicable provisions of law.

8 Dated at Los Angeles, California

9 this 22 day of August, 2012.

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12 Robin Trujillo  
13 Deputy Real Estate Commissioner  
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24 CC: STEWART BAXTER  
25 Robin Trujillo  
26 Sacto.  
27