

FILED

SEP 24 2012

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

DEPARTMENT OF REAL ESTATE
BY: *R. J. [Signature]*

4 Telephone: (213) 576-6982
5
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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of

12 BERNARD TATUM,

13 Respondent.

} No. H- 38438 LA

} STIPULATION AND

} WAIVER

} (B&P 10100.4)

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

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
21 Real Estate Commissioner has found grounds that justify the denial of the issuance of an
22 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the
23 issuance of an unrestricted real estate salesperson license to me pursuant to California Business
24 and Professions Code Sections 475(a)(2), 480(a), 10177(b) for the following three convictions:

- 25 1. On or about November 8, 1983, I was convicted of violating California Penal Code Section
26 484 (theft), a misdemeanor.
27 2. On or about August 18, 1987, I was convicted of violating California Vehicle Code Section 31

1 (false information to a peace officer), a misdemeanor.

2 3. On or about September 6, 1988, I was convicted of violating California Health and Safety
3 Code Section 11352 (transportation and/or sale of a controlled substance), a felony.

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

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

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

- 17 1. The license shall not confer any property right in the privileges to be exercised
18 including the right of renewal, and the Real Estate Commissioner may by appropriate
19 order suspend the right to exercise any privileges granted under this restricted license
20 in the event of:
 - 21 a. The conviction of respondent (including a plea of nolo contendere) to a crime
22 that bears a substantial relationship to Respondent's fitness or capacity as a real
23 estate licensee; or
 - 24 b. The receipt of evidence that Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner, or conditions attaching to this restricted license.
- 27 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license


1 nor the removal of any of the conditions, limitations, or restrictions attaching to the
2 restricted license until two (2) years have elapsed from the date of issuance of the
3 restricted license to Respondent.

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

12 4. With the application for license or with the application for transfer to a new
13 employing broker, I shall submit a statement signed by the prospective employing
14 broker on a form approved by the Department of Real Estate wherein the employing
15 broker shall certify as follows:

- 16 a. That broker has read the Statement of Issues which is the basis for the issuance
17 of the restricted license; and
18 b. That broker will carefully review all transaction documents prepared by the
19 restricted licensee and otherwise exercise close supervision over the licensee's
20 performance of acts for which a license is required.

21 09/11/2012
22 Dated


23 Counsel
24 Department of Real Estate

25 5. I have read the Stipulation and Waiver, and its terms are understood by me and are
26 agreeable and acceptable to me. I understand that I am waiving rights given to me by
27 the California Administrative Procedure Act (including, but not limited to, California

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

- 6 6. Respondent can signify acceptance and approval of the terms and conditions of this
7 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
8 Respondent, to the Department of Real Estate at the following telephone/fax number:
9 (213) 576-6917. Respondent agrees, acknowledges, and understands that by
10 electronically sending to the Department of Real Estate a fax copy of his/her actual
11 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy
12 by the Department of Real Estate shall be as binding on Respondent as if the
13 Department of Real Estate had received the original signed Stipulation and Waiver.
14

15 _____
16 Dated

15 _____
16 Bernard Tatum, Respondent

17
18 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
19 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
20 Respondent need not be called and that it will not be inimical to the public interest to issue a
21 restricted real estate salesperson license to Respondent.

22 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
23 issued to Respondent Bernard Tatum if Respondent has otherwise fulfilled all of the statutory
24 requirements for licensure. The restricted salesperson license shall be limited, conditioned, and
25 restricted as specified in the foregoing Stipulation and Waiver.


26 This Order is effective immediately.
27

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 13 Department of Real Estate had received the original signed Stipulation and Waiver.

14
 15 9-10-2012

16 Dated

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16 Bernard Tatum, Respondent

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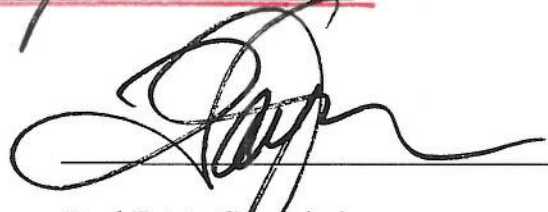
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IT IS SO ORDERED

9/19/2012



Real Estate Commissioner
By WAYNE S. BELL
Chief Counsel