

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

4 Telephone: (213) 576-6982
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FILED

MAR 28 2013

DEPARTMENT OF REAL ESTATE
BY: *Michael*

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)

13 PIETER XAVIER VAN DER MARK,)

14 Respondent.)

No. H- 38786 LA

STIPULATION AND

WAIVER

(B&P 10100.4)

15
16 I, PIETER XAVIER VAN DER MARK ("Respondent") do hereby affirm that I have
17 applied to the Department of Real Estate for a real estate salesperson license, and that to the best
18 of my knowledge I have satisfied all of the statutory requirements for the issuance of the license,
19 including, but not 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 480(a) and 10177(b) in that I was convicted in 2008 of violating
25 California Health and Safety Code section 11360(a) (sale or transportation of marijuana) and
26 11359 (possession for sale of marijuana).

27 I hereby request that the Real Estate Commissioner in his discretion issue a restricted real

1 estate salesperson license to me under the authority of California Business and Professions Code
2 Sections 10100.4 and 10156.5. I understand that any such restricted license will be issued
3 subject to the provisions of and limitations of California Business and Professions Code Sections
4 10156.6 and 10156.7.

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

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

13 1. The license shall not confer any property right in the privileges to be exercised
14 including the right of renewal, and the Real Estate Commissioner may by appropriate
15 order suspend the right to exercise any privileges granted under this restricted license
16 in the event of:

17 a. The conviction of respondent (including a plea of nolo contendere) to a crime
18 that bears a substantial relationship to Respondent's fitness or capacity as a real
19 estate licensee; or

20 b. The receipt of evidence that Respondent has violated provisions of the
21 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
22 Estate Commissioner, or conditions attaching to this restricted license.

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license
24 nor the removal of any of the conditions, limitations, or restrictions attaching to the
25 restricted license until two (2) years have elapsed from the date of issuance of the
26 restricted license to Respondent.

27 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest

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mitigation of the charges.

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

01-16-13

Dated

PETER JAVIER VANDER MARK, Respondent

I have read 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 PETER JAVIER VANDER MARK if Respondent has otherwise satisfied all of the statutory requirements for licensees. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

Real Estate Commissioner

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

- 8 4. With the application for license or with the application for transfer to a new
9 employing broker, I shall submit a statement signed by the prospective employing
10 broker on a form approved by the Department of Real Estate wherein the employing
11 broker shall certify as follows:
- 12 a. That broker has read the Statement of Issues which is the basis for the issuance
13 of the restricted license; and
- 14 b. That broker will carefully review all transaction documents prepared by the
15 restricted licensee and otherwise exercise close supervision over the licensee's
16 performance of acts for which a license is required.

17 Jan. 13, 2013
18 Dated

James R. Peep
Counsel
Department of Real Estate

- 20 5. I have read the Stipulation and Waiver, and its terms are understood by me and are
21 agreeable and acceptable to me. I understand that I am waiving rights given to me by
22 the California Administrative Procedure Act (including, but not limited to, California
23 Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I
24 willingly, intelligently, and voluntarily waive those rights, including, but not limited
25 to, the right to a hearing on a Statement of Issues at which I would have the right to
26 cross-examine witnesses against me and to present evidence in defense and
27

1 mitigation of the charges.

- 2 6. Respondent can signify acceptance and approval of the terms and conditions of this
3 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by
4 Respondent, to the Department of Real Estate at the following telephone/fax number:
5 (213) 576-6917. Respondent agrees, acknowledges, and understands that by
6 electronically sending to the Department of Real Estate a fax copy of his/her actual
7 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy
8 by the Department of Real Estate shall be as binding on Respondent as if the
9 Department of Real Estate had received the original signed Stipulation and Waiver.

10
11 _____
12 Dated

PIETER XAVIER VAN DER MARK, Respondent

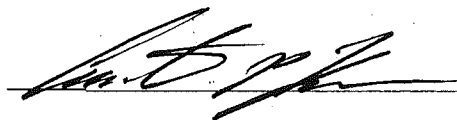
13
14 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
15 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
16 Respondent need not be called and that it will not be inimical to the public interest to issue a
17 restricted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

18 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
19 issued to Respondent PIETER XAVIER VAN DER MARK if Respondent has otherwise
20 fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be
21 limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

22 This Order is effective immediately.

23 IT IS SO ORDERED

2/1/13

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25 
26 _____

27 Real Estate Commissioner
By: Awet P. Kidane
Chief Deputy Commissioner