

*Sachs Flax*

1 Bureau 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**

OCT 29 2013

BUREAU OF REAL ESTATE

By *[Signature]*

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 \* \* \*

11 In the Matter of the Application of )

12 Asher Dayn Pergament, )

13 Respondent. )

No. H- 39130 LA

**STIPULATION AND**

**WAIVER**

(B&P 10100.4)

14  
15  
16 I, Asher Dayn Pergament, ("Respondent") do hereby affirm that I have applied to the  
17 Bureau of Real Estate for a real estate salesperson license, and that to the best of my knowledge I  
18 have 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), and 10177(b) for the following conviction: on  
25 or about March 22, 2012, in the Superior Court of California, County of Los Angeles, case no  
26 2BV00189, I was convicted of violating California Penal Code Section 166(a)(4) (willful  
27 disobedience of a court order), a misdemeanor.

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

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

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

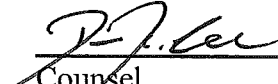
27 3. I shall notify the Real Estate Commissioner in writing within 72 hours of any arrest

1 by sending a certified letter to the Real Estate Commissioner at the Bureau of Real  
2 Estate, Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set  
3 forth the date of Respondent's arrest, the crime for which Respondent was arrested,  
4 and the name and address of the arresting law enforcement agency. Respondent's  
5 failure to timely file written notice shall constitute an independent violation of the  
6 terms of the restricted license and shall be grounds for the suspension or revocation  
7 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 Bureau of Real Estate wherein the employing  
11 broker shall certify as follows:

- 12 a. That broker has read the Stipulation and Waiver which is the basis for the  
13 issuance 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  
18 09/27/2013  
Dated

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18   
Counsel  
19 Bureau of Real Estate

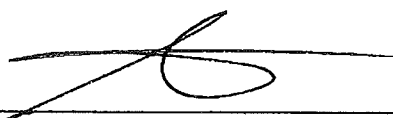
20 5. I have read the Stipulation and Waiver, and its terms are understood by me and are  
21 agreeable and acceptable to me. I understand that I am waiving rights given to me by  
22 the California Administrative Procedure Act (including, but not limited to, California  
23 Government Code Sections 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  
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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 Bureau of Real Estate at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau 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 Bureau of Real Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the original signed Stipulation and Waiver.

9/27/2013  
Dated

  
Asher Dayn Pergament, 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 Asher Dayn Pergament if Respondent has otherwise fulfilled all of the statutory requirements for licensure. 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

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Dated

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This Order is effective immediately.

IT IS SO ORDERED OCT 25 2013

REAL ESTATE COMMISSIONER



**By: JEFFREY MASON**  
**Chief Deputy Commissioner**