

FILED

SEP 03 2014

By Ernest Wanner

STATE OF CALIFORNIA

) No. H-39185 LA

) **STIPULATION AND**
) **WAIVER**

)

Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner

1 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
2 Respondent of an unrestricted real estate salesperson license.

3 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
4 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real estate
5 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
6 Code. Respondent understands that any such restricted license will be issued subject to and be limited by
7 Section 10153.4 of the Business and Professions Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver
13 is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach to
15 a restricted license issued by the Bureau of Real Estate pursuant hereto:

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

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

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

24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
25 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
26 until three (3) years have elapsed from the date of issuance of the restricted license to
27 Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form RE
3 552 (rev. 4/88) approved by the Bureau of Real Estate wherein the employing broker shall certify
4 as follows:

5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
6 restricted license; and

7 b. That broker will carefully review all transaction documents prepared by the restricted
8 licensee and otherwise exercise close supervision over the licensee's performance of acts for
9 which a license is required.

10 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
11 certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137013,
12 Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime
13 for which Respondent was arrested, and the name and address of the arresting law enforcement
14 agency. Respondent's failure to timely file written notice shall constitute an independent
15 violation of the terms of the restricted license and shall be grounds for the suspension or
16 revocation of that license.

17 8-11-14

18 Dated

17 

18 JULIE L. TO, Counsel, Bureau of Real Estate

19 * * *

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

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 Bureau at fax number (213)576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver.

8/5/2014
Dated

Brett Goldsmith
BRETT R. GOLDSMITH, 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 BRETT R. GOLDSMITH, 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

August 26, 2014

REAL ESTATE COMMISSIONER

[Signature]
By: JEFFREY MASON
Chief Deputy Commissioner

Sacks flag

JULIE L. TO, Counsel (SBN 219482)
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FILED

DEC 05 2013

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-39185 LA
BRETT R. GOLDSMITH,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against BRETT R. GOLDSMITH, a.k.a. Brett Robert Goldsmith ("Respondent") alleges as follows:

1.

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

2.

On or about March 6, 2013, Respondent made application to the Bureau of Real Estate ("Bureau") of the State of California for a real estate salesperson license.

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1 3.

2 On or about June 30, 2011, in the Superior Court of
3 the State of California, County of Los Angeles, in Case
4 No. 068174, Respondent pled *nolo contendere* and was convicted
5 for violation of Health and Safety Code Section 11351
6 (possession for sale of a controlled substance - heroin), a
7 felony. Respondent was sentenced to three years of formal
8 probation and 180 days in county jail. In addition, Respondent
9 was ordered to pay fines and to register as a convicted
10 narcotics offender.

11 4.

12 In aggravation, on or about January 14, 2010, in the
13 Superior Court of the State of California, County of Los
14 Angeles, in Case No. 9NW04581, Respondent pled *nolo contendere*
15 and was convicted for violation of Vehicle Code Section 23152(a)
16 (driving under the influence of alcohol or drugs), a
17 misdemeanor. Respondent was sentenced to three years of summary
18 probation and ordered to pay fines (or serve thirteen days in
19 county jail). In addition, Respondent was ordered to complete a
20 three-month licensed first-offender alcohol and drug education
21 and counseling program.

22 5.

23 The crime described in Paragraph 3, by its facts and
24 circumstances, bears a substantial relationship under Section
25 2910, Title 10, Chapter 6, California Code of Regulations, to
26 the qualifications, functions or duties of a real estate
27 licensee.

6.

The crime of which Respondent was convicted constitutes 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).

7.

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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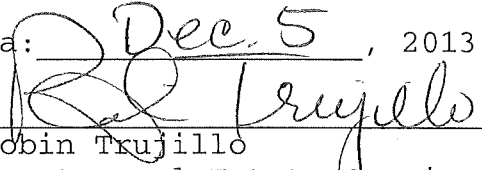
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, BRETT R. GOLDSMITH,
6 and for such other and further relief as may be proper under
7 other applicable provisions of law.

8 Dated at Los Angeles, California: Dec. 5, 2013.

9 
10 Robin Trujillo
11 Deputy Real Estate Commissioner
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16 cc: BRETT R. GOLDSMITH
17 Robin Trujillo
18 Sacto
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