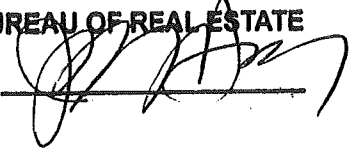


1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

SEP 11 2014

BUREAU OF REAL ESTATE

By 

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 MARCUS REUBEN O'BRYANT,

12
13 Respondent.

)
) No. H-39562 LA
)

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

14
15 I, MARCUS REUBEN O'BRYANT, Respondent herein, do hereby affirm that I have applied to the
16 Bureau of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Bureau of Real Estate on August 4, 2014, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand
27 that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has

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

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

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

11 I further understand that the following conditions, limitations, and restrictions will attach to a restricted
12 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 including the right
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
15 exercise any privileges granted under this restricted license in the event of:

- 16 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
17 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
18 b. The receipt of evidence that Respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.

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

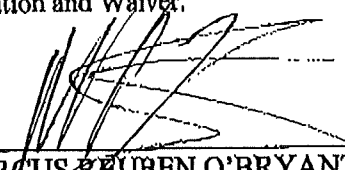
24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Bureau of Real Estate wherein the employing broker shall certify as follows:
27

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts for
5 which a license is required.
- 6 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
7 certified letter to the Commissioner at the Bureau of Real Estate, 320 W. 4TH STREET, SUITE
8 350, Sacramento, CA 90013-1105. The letter shall set forth the date of Respondent's arrest, the
9 crime for which Respondent was arrested and the name and address of the arresting law
10 enforcement agency. Respondent's failure to timely file written notice shall constitute an
11 independent violation of the terms of the restricted license and shall be grounds for the
12 suspension or revocation of that license.

13 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
14 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax
15 number (213) 576-6917 or e-mail to Cheryl.Keily@dre.ca.gov. Respondent agrees, acknowledges and
16 understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on
17 the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent
18 as if the Bureau had received the original signed Stipulation and Waiver.

19 08/25/14

20 _____
21 Dated

22 
23 _____
24 MARCUS REUBEN O'BRYANT, Respondent
25
26
27

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

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

6 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
7 certified letter to the Commissioner at the Bureau of Real Estate, 320 W. 4TH STREET, SUITE
8 350, Sacramento, CA 90013-1105. The letter shall set forth the date of Respondent's arrest, the
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12 suspension or revocation of that license.

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16 understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on
17 the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent
18 as if the Bureau had received the original signed Stipulation and Waiver.

19
20 _____
21 Dated

22 _____
23 MARCUS REUBEN O'BRYANT, Respondent
24
25
26
27

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 MARCUS REUBEN O'BRYANT 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 SEP 04 2014

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner

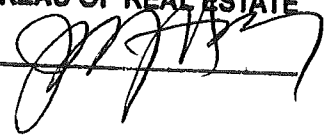
1 CHERYL D. KEILY, Counsel (SBN 94008)
2 Bureau of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

FILED

AUG 04 2014

BUREAU OF REAL ESTATE

By 

7
8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)

NO. H-39562 LA

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MARCUS REUBEN O'BRYANT,

STATEMENT OF ISSUES

Respondent

17 The Complainant, Howard Alston, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Statement
19 of Issues against MARCUS REUBEN O'BRYANT ("Respondent"), is
20 informed and alleges as follows:

21 1.

22 The Complainant, Howard Alston, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues against Respondent in his official capacity.

25 ///

26 ///

27 ///

1 2.

2 Respondent made application to the Bureau of Real
3 Estate of the State of California for a real estate salesperson
4 license on or about November 5, 2013.

5 (CRIMINAL CONVICTION)

6 3.

7 On or about March 26, 2007, in the California Superior
8 Court, County of San Bernardino, in Case No. MWV701000,
9 Respondent was convicted of violating California Penal Code
10 Section 484-490.5 [Petty Theft/Retail Theft], a misdemeanor. The
11 underlying facts of this criminal conviction bear a substantial
12 relationship under Title 10, Chapter 6, Section 2910, California
13 Code of Regulations ("Regulations") to the qualifications,
14 functions or duties of a real estate licensee.

15 4.

16 The crime of which Respondent was convicted, as
17 alleged herein above, constitutes cause for the denial of
18 Respondent's application for a real estate license under
19 Business and Professions Code ("Code") Sections 475(a)(2);
20 480(a)(1); and/or 10177(b).

21 5.

22 (FAILURE TO REVEAL CONVICTION)

23 In response to Question No. 1, Part D, Background
24 Information, of his license application, to wit: "HAVE YOU EVER
25 BEEN CONVICTED OF ANY VIOLATION OF THE LAW? ALL STATE AND
26 FEDERAL MISDEMEANOR AND FELONY CONVICTIONS, AND ALL MILITARY AND
27 FOREIGN CONVICTIONS, MUST BE DISCLOSED. CONVICTIONS EXPUNGED

1 UNDER PENAL CODE SECTION 1203.4 OR A SIMILAR STATUTE MUST STILL
2 BE DISCLOSED." Respondent answered "No," and failed to reveal
3 the conviction described in Paragraph 3 above.

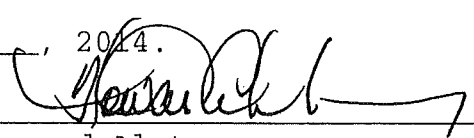
4 Respondent's failure to reveal the conviction set
5 forth herein in Paragraph 3, above, in his license application
6 constitutes knowingly making a false statement of material fact
7 required to be revealed in said application, which is grounds
8 for denial of the issuance of a license under Code Sections
9 480(c) and 10177(a).

10 The Statement of Issues is brought under the
11 provisions of Code Section 10100, Division 4 of the Code and
12 Sections 11500 through 11528 of the Government Code.

13 WHEREFORE, Complainant prays that the above entitled
14 matter be set for hearing and, upon proof of the charges
15 contained herein, that the Commissioner refuse to authorize the
16 issuance of, and deny the issuance of, a real estate salesperson
17 license to Respondent MARCUS RUEBEN O'BRYANT, and for such other
18 and further relief as may be proper under other provisions of
19 law.
20

21 Dated at Los Angeles, California

22 this 14th day of August, 2014.

23 
24 Howard Alston
25 Deputy Real Estate Commissioner

26 cc: MARCUS REUBEN O'BRYANT
27 Howard Alston
Sacto.