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BUREAU OF REAL ESTATE

By W. Ellison

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

Kyle Ellison Gerger,

Respondent.

No. H-40864 LA

STIPULATION AND WAIVER

I, Kyle Ellison Gerger ("Respondent"), do hereby affirm that I have applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license, and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including, but not limited to, the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and Statement to Respondent filed by the Bureau on November 15, 2017, in connection with my application for a real estate salesperson license. I understand that the Commissioner may hold a hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this Stipulation and Waiver I will be stipulating that the Commissioner has found that I have failed to make such a

1 showing, thereby justifying the denial of the issuance to me of an unrestricted real estate
2 salesperson license.

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

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

13 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and
14 restrictions imposed on my restricted license, identified below, may be removed only by filing a
15 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition
16 must follow the procedures set forth in California Government Code section 11522.


17 I further understand that the restricted license issued to me shall be subject to all the
18 provisions of California Business and Professions Code section 10156.7 and to the following
19 conditions, limitations, and restrictions imposed under authority of California Business and
20 Professions Code section 10156.6:

- 21 1. The restricted license shall not confer any property right in the privileges to be
22 exercised including the right of renewal, and the Real Estate Commissioner may
23 by appropriate order suspend the right to exercise any privileges granted under
24 the restricted license in the event of:

- 1 a. Respondent's conviction (including a plea of nolo contendere) of a crime
2 that bears a substantial relationship to Respondent's fitness or capacity as
3 a real estate licensee; or
- 4 b. The receipt of evidence that Respondent has violated provisions of the
5 California Real Estate Law, the Subdivided Lands Law, Regulations of
6 the Real Estate Commissioner, or conditions attaching to this restricted
7 license.
- 8 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real
9 estate license nor the removal of any of the conditions, limitations, or restrictions
10 attaching to the restricted license until two (2) years have elapsed from the date
11 of issuance of the restricted license to Respondent. Respondent shall not be
12 eligible to apply for any unrestricted licenses until all restrictions attaching to the
13 license have been removed.
- 14 3. With the application for license or with the application for transfer to a new
15 employing broker, Respondent shall submit a statement signed by the prospective
16 employing broker on a form approved by the Bureau of Real Estate, such as the
17 Restricted Salesperson Change Application (RE 214A), wherein the employing
18 broker shall certify as follows:
- 19 a. That broker has read the Stipulation and Waiver which is the basis for the
20 issuance of the restricted license; and
- 21 b. That broker will carefully review all transaction documents prepared by
22 the restricted licensee and otherwise exercise close supervision over the
23 licensee's performance of acts for which a license is required.
- 24 4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours
25 of any arrest by sending a certified letter to the Real Estate Commissioner at the
26 Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013.
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1 The letter shall set forth the date of Respondent's arrest, the crime for which
2 Respondent was arrested, and the name and address of the arresting law
3 enforcement agency. Respondent's failure to timely file written notice shall
4 constitute an independent violation of the terms of the restricted license and shall
5 be grounds for the suspension or revocation of that license.
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7 DATED: 01/09/2018


8 Diane Lee, Counsel
9 Bureau of Real Estate

10 Respondent has read this Stipulation and Waiver, and its terms are understood by
11 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
12 Respondent is waiving rights given to Respondent by the California Administrative Procedure
13 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
14 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
15 including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent
16 would have the right to cross-examine witnesses against Respondent and to present evidence in
17 defense and mitigation of the charges.

18 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
19 Diane Lee, Bureau of Real Estate, 320 W. 4th St., Ste. 350, Los Angeles, CA 90013-1105.

20 In the event of time constraints before an administrative hearing, Respondent can signify
21 acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a
22 copy of its signature page, as actually signed by Respondent, to the Bureau of Real Estate at the
23 following fax number: (213) 576-6917. Respondent agrees, acknowledges, and understands that
24 by electronically sending to the Bureau of Real Estate a fax copy of his actual signature as it
25 appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau of Real
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1 Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the
2 original signed Stipulation and Waiver.

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4 DATED: 12/29/2017


5 Kyle Ellison Gerger, Respondent

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

10 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
11 issued to Respondent Kyle Ellison Gerger if Respondent Kyle Ellison Gerger has otherwise
12 fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall
13 be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

14 This Order is effective immediately.

15 IT IS SO ORDERED January 24, 2018.

16 WAYNE S. BELL
17 REAL ESTATE COMMISSIONER

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20 By: DANIEL J. SANDRI
21 Chief Deputy Commissioner
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