

FILED

OCT 17 2018

DEPT. OF REAL ESTATE

By *[Signature]*

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

4 Telephone: (213) 576-6982

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Application of

12 **STEVE MARK HENNEBERRY**

13 Respondent.

No. H-41187 LA

STIPULATION AND WAIVER

14 I, STEVE MARK HENNEBERRY ("Respondent") do hereby affirm that I have applied to
15 the Department of Real Estate ("Department") for a real estate salesperson license, and that to the
16 best of my knowledge I have satisfied all of the statutory requirements for the issuance of the
17 license, including, but not limited to, the payment of the fee therefor.

18 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
19 Real Estate Commissioner ("Commissioner") has found grounds that justify the denial of the
20 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to
21 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Business and
22 Professions Code ("the Code") sections 475(a)(1)-(3), 480(a)(1)-(2), 480(d), 10177(a) and
23 10177(b)(1) for convictions for violation of United States Code, Title 21, sections 321(g)(2),
24 331(i)(3), and 333(a), California Penal Code sections 550(a)(4) and 550(b)(1), and California
25 Vehicle Code section 12500(a), and my failure to reveal the convictions for violation of United
26 States Code, Title 21, sections 321(g)(2), 331(i)(3), and 333(a) and California Vehicle Code
27 section 12500(a) on my license application.

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

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

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

14 I further understand that the restricted license issued to me shall be subject to all of the
15 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
16 restrictions imposed under authority of Section 10156.6 of the Code:

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

21 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
22 bears a substantial relationship to Respondent's fitness or capacity as a real estate
23 licensee; or

24 b. The receipt of evidence that Respondent has violated provisions of the California
25 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner,
26 or conditions attaching to the restricted license.

27 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real

1 estate license nor the removal of any of the conditions, limitations, or restrictions
2 attaching to the restricted license until two (2) years have elapsed from the date of
3 issuance of the restricted license to Respondent. Respondent shall not be eligible to
4 apply for any unrestricted licenses until all restrictions attaching to the license have
5 been removed.

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

13 4. With the application for license or with the application for transfer to a new
14 employing broker, Respondent shall submit a statement signed by the prospective
15 employing broker on a form approved by the Department wherein the employing
16 broker shall certify as follows:

- 17 a. That the broker has read the Stipulation and Waiver which is the basis for the
18 issuance of the restricted license; and
19 b. That the broker will carefully review all transaction documents prepared by the
20 restricted licensee and otherwise exercise close supervision over the licensee's
21 performance of acts for which a license is required.

22
23 10-8-2018
24 Dated

Steve Chu
25 Steve Chu, Counsel
26 Department of Real Estate
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27 ///

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

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Respondent shall send a hard copy of the original signed Stipulation and Waiver to Steve Chu, Department of Real Estate, 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges and understands that by electronically sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

10-218
Dated


STEVE MARK HENNEBERRY, Respondent

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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, 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 October 17, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER



By: Stephen M. Lerner
Assistant Commissioner, Legal Affairs