

1 Department of Real Estate
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3 Los Angeles, CA 90013-1105

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FILED

DEC 05 2018

DEPT. OF REAL ESTATE
By *Suzanne Danner*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 KARA LYNN MCGINLEY,) No. H-41241 LA
13 Respondent.) **STIPULATION AND WAIVER**
14) (B&P 10100.4)

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

19 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating
20 that the Real Estate Commissioner has found grounds to justify the denial of the issuance of an
21 unrestricted real estate salesperson license to me. I agree that there are grounds to deny the
22 issuance of an unrestricted real estate salesperson license to me pursuant to California Business
23 and Professions Code ("Code") Sections 475(a)(2), 480(a)(1), and 10177(b) for the following
24 convictions: (1) January 29, 1997: California Penal Code ("PC") Section 488/490.5 and
25 (2) October 5, 2005: California Vehicle Code ("VC") Section 23152(b), both misdemeanors. I
26 also agree that there are grounds to deny the issuance of an unrestricted real estate salesperson
27 license to me pursuant to Code Sections 475(a)(1), 480(c) and 10177(a) for the non-disclosure of

1 my January 29, 1997 and October 5, 2005 convictions on my real estate salesperson application.

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

6 I understand that by my signing of this Stipulation and Waiver, provided this
7 Stipulation and Waiver is accepted and signed by the Real Estate Commissioner, the
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 agree that by signing this Stipulation and Waiver, the conditions, limitations,
12 and restrictions imposed on my restricted license, identified below, may be removed only by
13 filing a Petition for Removal of Restrictions ("petition") with the Real Estate Commissioner, and
14 that my petition must follow the procedures set forth in Government Code Section 11522.

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

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

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

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

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license.

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

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

a. That broker has read the Decision which is the basis for the issuance of the restricted license; and

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

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

11-14-18

Dated

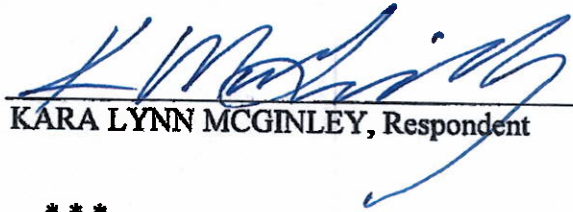


Julie L. To, Counsel
Department of Real Estate

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

10-19-18
Dated


KARA LYNN MCGINLEY, 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 KARA LYNN MCGINLEY, 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 November 29, 2018.

ACTING REAL ESTATE COMMISSIONER
DANIEL J. SANDRI

