

FILED

JAN 15 2019

DEPT. OF REAL ESTATE

By

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

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

Kathleen Louise Austin,

Respondent.

No. H-41265 LA

STIPULATION AND WAIVER

I, Kathleen Louise Austin aka Kathleen Louise Oelke ("Respondent"), do hereby affirm that I have applied to the Department of Real Estate 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 by entering into this Stipulation and Waiver, I am stipulating that the Real Estate Commissioner has found grounds that justify the denial of the issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to deny the issuance of an unrestricted real estate salesperson license to me pursuant to California Business and Professions Code sections 475(a)(1), 475(a)(2), 480(a), 480(d), 10177(a), and 10177(b) due to the following conviction and my failure to reveal this conviction: on or about January 28, 1997, in the Municipal Court of San Fernando Courthouse Judicial District, County of Los

1 Angeles, California, case no. 7SF00326, I was convicted of violating California Penal Code
2 section 484(a) (petty theft), a misdemeanor.

3 I hereby request that the Real Estate Commissioner in his discretion issue a restricted
4 real estate salesperson license to me under the authority of California Business and Professions
5 Code sections 10100.4 and 10156.5. I understand that any such restricted license will be issued
6 subject to the provisions of and limitations of California Business and Professions Code sections
7 10156.6 and 10156.7.

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

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 following conditions, limitations, and restrictions will attach
18 to a restricted real estate salesperson license issued by the Department of Real Estate pursuant
19 hereto:

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

24 a. Respondent's conviction (including a plea of nolo contendere) of a crime
25 that bears a substantial relationship to Respondent's fitness or capacity as
26 a real estate licensee; or
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1 b. The receipt of evidence that Respondent has violated provisions of the
2 California Real Estate Law, the Subdivided Lands Law, Regulations of
3 the Real Estate Commissioner, or conditions attaching to this restricted
4 license.

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

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


17 4. With the application for license or with the application for transfer to a new
18 employing broker, Respondent shall submit a statement signed by the prospective
19 employing broker on a form approved by the Department of Real Estate, such as
20 the Prospective Employing Broker Certification (RE 552), wherein the
21 employing broker shall certify as follows:

22 a. That broker has read the Stipulation and Waiver which is the basis for the
23 issuance of the restricted license; and

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

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2 DATED:

01/04/2019



Diane Lee, Counsel
Department of Real Estate

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5 Respondent has read this Stipulation and Waiver, and its terms are understood by
6 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
7 Respondent is waiving rights given to Respondent by the California Administrative Procedure
8 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
9 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
10 including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent
11 would have the right to cross-examine witnesses against Respondent and to present evidence in
12 defense and mitigation of the charges.

13 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
14 Diane Lee, Department of Real Estate, 320 West 4th St., Ste. 350, Los Angeles, CA 90013-
15 1105. In the event of time constraints before an administrative hearing, Respondent can signify
16 acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a
17 copy of its signature page, as actually signed by Respondent, to the Department of Real Estate at
18 the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges, and
19 understands that by electronically sending to the Department of Real Estate a fax copy of her
20 actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the
21 Department of Real Estate shall be as binding on Respondent as if the Department of Real
22 Estate had received the original signed Stipulation and Waiver.

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24 DATED:

12/27/2018


Kathleen Louise Austin, Respondent

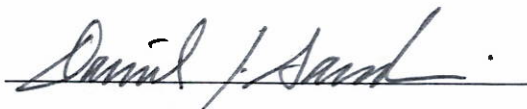
1 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
2 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
3 Respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
6 issued to Respondent Kathleen Louise Austin if Respondent has otherwise fulfilled all of the
7 statutory requirements for licensure. The restricted salesperson license shall be limited,
8 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 IT IS SO ORDERED January 14, 2019.

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12 DANIEL J. SANDRI
13 ACTING REAL ESTATE COMMISSIONER

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