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FILED

JAN 24 2019

DEPT. OF REAL ESTATE

By *Sybil Danna*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H-41275 LA

12 AVERY FLOYD RICHEY,)

STIPULATION AND WAIVER

13 Respondent.)

(B&P 10100.4)

14)
15 I, AVERY FLOYD RICHEY, (“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) July 29, 2008: California Penal Code (“PC”) Section 148.3(a) (false report of an
25 emergency); (2) December 10, 2007: PC Section 166(a)(4) (contempt: disobey court order);

26 (3) March 24, 1998: PC Section 166(a)(4) (contempt: disobey court order); (4)
27 March 21, 1996: Long Beach Municipal Code Section 3.80.210 (doing business without a

1 license); (5) June 16, 1995: Business and Professions Code (“BP”) Section 22435.2(b)
2 possession of a shopping or laundry cart; (6) September 16, 1994: PC 594(a) (vandalism); (7)
3 July 26, 1994: PC 273.5(a) (inflict corporal injury to spouse or cohabitant); (8) July 13, 1992: PC
4 487.2 (attempted grand theft from person); and (9) October 7, 1987: PC 484(a) (theft of personal
5 property), all misdemeanors. I also agree that there are grounds to deny the issuance of an
6 unrestricted real estate salesperson license to me pursuant to Code Sections 475(a)(1), 480(c) and
7 10177(a) for the non-disclosure of my July 29, 2008, December 10, 2007, June 16, 1995,
8 September 16, 1994, July 13, 1992, and October 7, 1987 convictions on my real estate
9 salesperson application.

10 I hereby request that the Real Estate Commissioner in his discretion issue a
11 restricted real estate salesperson license to me under the authority of Code Sections 10100.4 and
12 10156.5. I understand that any such restricted license will be issued subject to the provisions and
13 limitations of Code Sections 10156.6 and 10156.7.

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

19 I agree that by signing this Stipulation and Waiver, the conditions, limitations,
20 and restrictions imposed on my restricted license, identified below, may be removed only by
21 filing a Petition for Removal of Restrictions (“petition”) with the Real Estate Commissioner, and
22 that my petition must follow the procedures set forth in Government Code Section 11522.

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

26 1. The license shall not confer any property right in the privileges to be exercised,
27 including the right of renewal, and the Real Estate Commissioner may by appropriate

1 order suspend the right to exercise any privileges granted under this restricted license
2 in the event of:

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

6 b. The receipt of evidence that Respondent has violated provisions of the
7 California Real Estate Law, the Subdivided Lands Law, Regulations of the
8 Real Estate Commissioner, or conditions attaching to this restricted
9 license.

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

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 Department of Real Estate wherein the
17 employing broker shall certify as follows:

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

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

23 4. Respondent shall notify the Real Estate Commissioner in writing within 72
24 hours of any arrest by sending a certified letter to the Real Estate Commissioner at the
25 Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013.
26 The letter shall set forth the date of Respondent's arrest, the crime for which
27 Respondent was arrested, and the name and address of the arresting law enforcement

1 agency. Respondent's failure to timely file written notice shall constitute an
2 independent violation of the terms of the restricted license and shall be grounds for
3 the suspension or revocation of that license.

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5 12-21-18

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Dated

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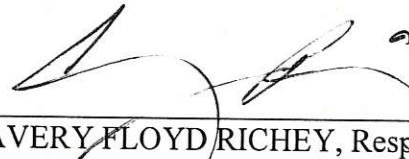
Julie L. To, Counsel
Department of Real Estate

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

17
18 12/3/18

19 _____
Dated

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21 _____
AVERY FLOYD RICHEY, Respondent

22 * * *

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

27 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
license be issued to Respondent AVERY FLOYD RICHEY, if Respondent has otherwise

1 fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall
2 be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED *January 8, 2019*.

6 ACTING REAL ESTATE COMMISSIONER
7 DANIEL J. SANDRI

8 *Daniel J. Sandri*

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