


**FILED**

APR 11 2019

DEPT. OF REAL ESTATE

By 

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of ) No. H-41346 LA  
12 Nicklaus Edward Seward, ) STIPULATION AND WAIVER  
13 Respondent. )  
14 \_\_\_\_\_ )

15 I, Nicklaus Edward Seward ("Respondent"), do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license, and that to the best of my  
17 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 that the  
20 Real Estate Commissioner has found grounds that 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 sections 475(a)(1), 475(a)(2), 480(a), 480(d), 10177(a), and 10177(b) due  
24 to the following convictions and my failure to reveal the following convictions:

- 25 • On or about September 13, 2000, in the Superior Court of Arizona, County of  
26 Maricopa, case no. CR 2000-090153, Respondent was convicted of violating  
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1 Arizona Revised Statutes sections 13-1801, 13-1802, 13-701, 13-702, 13-707, 13-  
2 801, and 13-802 (theft) and Arizona Revised Statutes sections 13-1501, 13-1505, 13-  
3 701, 13-702, 13-801, and 13-802 (possession of burglary tools), both felonies;

- 4 • On or about August 6, 2002, in the Superior Court of California, County of Los  
5 Angeles, case no. YA052465, Respondent was convicted of violating California  
6 Penal Code section 496(a) (receiving stolen property), a felony; and
- 7 • On or about October 20, 2009, in the Superior Court of Arizona, County of  
8 Maricopa, case no. CR 2003-008745-001DT, Respondent was convicted of violating  
9 Arizona Revised Statutes sections 13-1801, 13-1802, 13-701, 13-702, 13-801, and  
10 13-802 (theft), a felony.

11 In addition, I agree that there are grounds to deny the issuance of an unrestricted real  
12 estate salesperson license to me pursuant to California Business and Professions Code sections  
13 475(a)(2), 480(a), and 10177(b) due to the following convictions:

- 14 • On or about October 26, 2011, in the Superior Court of California, County of Los  
15 Angeles, case no. SA078184, Respondent was convicted of violating California  
16 Penal Code section 459 (burglary), a felony;
- 17 • On or about May 15, 2013, in the Superior Court of California, County of Los  
18 Angeles, case no. GA089188, Respondent was convicted of violating California  
19 Penal Code section 487(a) (grand theft), a felony; and
- 20 • On or about July 8, 2013, in the Superior Court of California, County of Los  
21 Angeles, case no. 3DY01922, Respondent was convicted of violating California  
22 Vehicle Code section 2800.1(a) (evading peace officer), a misdemeanor.

23 I hereby request that the Real Estate Commissioner in his discretion issue a restricted  
24 real estate salesperson license to me under the authority of California Business and Professions  
25 Code sections 10100.4 and 10156.5. I understand that any such restricted license will be issued  
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1 subject to the provisions of and limitations of California Business and Professions Code sections  
2 10156.6 and 10156.7.

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

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

12 I further understand that the following conditions, limitations, and restrictions will attach  
13 to a restricted real estate salesperson license issued by the Department of Real Estate pursuant  
14 hereto:

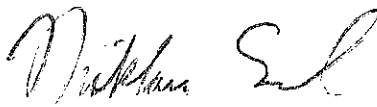
- 15 1. The license shall not confer any property right in the privileges to be exercised  
16 including the right of renewal, and the Real Estate Commissioner may by  
17 appropriate order suspend the right to exercise any privileges granted under this  
18 restricted license in the event of:
  - 19 a. Respondent's conviction (including a plea of nolo contendere) of a crime  
20 that bears a substantial relationship to Respondent's fitness or capacity as  
21 a real estate licensee; or
  - 22 b. The receipt of evidence that Respondent has violated provisions of the  
23 California Real Estate Law, the Subdivided Lands Law, Regulations of  
24 the Real Estate Commissioner, or conditions attaching to this restricted  
25 license.



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

9 Respondent shall send a hard copy of the original signed Stipulation and Waiver to  
10 Diane Lee, Department of Real Estate, 320 West 4th St., Ste. 350, Los Angeles, CA 90013-  
11 1105. In the event of time constraints before an administrative hearing, Respondent can signify  
12 acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a  
13 copy of its signature page, as actually signed by Respondent, to the Department of Real Estate at  
14 the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges, and  
15 understands that by electronically sending to the Department of Real Estate a fax copy of his  
16 actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the  
17 Department of Real Estate shall be as binding on Respondent as if the Department of Real  
18 Estate had received the original signed Stipulation and Waiver.

19  
20 DATED: 2/23/19

  
\_\_\_\_\_  
Nicklaus Edward Seward, Respondent

21  
22 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied  
23 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of  
24 Respondent need not be called and that it will not be inimical to the public interest to issue a  
25 restricted real estate salesperson license to Respondent.

