

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

FILED

NOV 09 2020

DEPT. OF REAL ESTATE
By John Aguil

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

10 * * *

11 In the Matter of the Application of) No. H-41668 LA
12)
13 MICHAEL SAM SYKES-RUBIO,)
14) Respondent.) **STIPULATION AND WAIVER**

15 I, MICHAEL SAM SYKES-RUBIO, a.k.a. "Michael Sam Rubio" ("Respondent"), do
16 hereby affirm that I have applied to the Department of Real Estate ("Department") for a real
17 estate salesperson license, and that to the best of my knowledge I have satisfied all of the
18 statutory requirements for the issuance of the license, including, but not limited to, the payment
19 of the fee therefor.

20 I acknowledge that I have received and read the Statement of Issues and Statement to
21 Respondent filed by the Department on or about May 15, 2020, in connection with my
22 application for a real estate salesperson license. I understand that the Commissioner may hold a
23 hearing and grant me a restricted real estate salesperson license based upon this Stipulation and
24 Waiver. I also understand that by filing the Statement of Issues in this matter the Commissioner
25 is shifting the burden to me to make a satisfactory showing that I meet all the requirements for
26 issuance of a real estate salesperson license. I further understand that by entering into this
27 Stipulation and Waiver I will be stipulating that the Commissioner has found that I have failed

1 to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted
2 real estate salesperson license.

3 I hereby admit that the allegations in the Statement of Issues filed against me are true
4 and correct and request that the Commissioner in his discretion issue a restricted real estate
5 salesperson license to me under the authority of California Business and Professions Code
6 section 10156.5.

7 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and
8 Waiver is accepted by the Commissioner, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license. I am not waiving my right to a hearing and to further
11 proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not
12 accepted by the Commissioner.

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 restricted license issued to me shall be subject to all the
18 provisions of California Business and Professions Code section 10156.7 and to the following
19 conditions, limitations, and restrictions imposed under authority of California Business and
20 Professions Code section 10156.6:

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

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- a. Respondent's conviction (including a plea of nolo contendere) of a crime that bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.
2. Respondent shall not be eligible to apply 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. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
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, such as the Restricted Salesperson Change Application (RE 214A), wherein the employing broker shall certify as follows:
 - a. That broker has read the Stipulation and Waiver 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.

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

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10 DATED: 10/19/2020



Kathy Yi, Counsel
Department of Real Estate

* * *

14 Respondent has read this Stipulation and Waiver, and its terms are understood by
15 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
16 Respondent is waiving rights given to Respondent by the California Administrative Procedure
17 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
18 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
19 including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent
20 would have the right to cross-examine witnesses against Respondent and to present evidence in
21 defense and mitigation of the charges.

22 Respondent agrees, acknowledges and understands that by signing this Stipulation and
23 Waiver he is bound by its terms as of the date of such signature and that such agreement is not
24 subject to rescission or amendment at a later date except by a separate Decision and Order of the
25 Commissioner.

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1 Respondent can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Waiver by sending a hard copy of the original signed signature page(s) of the
3 Stipulation herein to Kathy Yi, Legal Section, Department of Real Estate, 320 W. Fourth Street,
4 Suite 350, Los Angeles, California, 90013-1105.

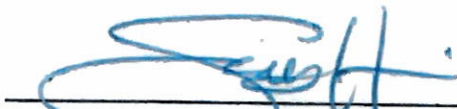
5 In the event of time constraints before an administrative hearing, Respondent can signify
6 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing
7 a scanned copy of the signature page, as actually signed by Respondent, to the Department
8 counsel assigned to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

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13 DATED: 8/6/20


MICHAEL SAM SYKES-RUBIO, Respondent

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15 I have reviewed the Stipulation and Waiver as to form and content, and have
16 advised my client accordingly.

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18 DATED: August 7, 2020


Scott J. Harris, Counsel for Respondent

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

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1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
2 issued to Respondent MICHAEL SAM SYKES-RUBIO, if Respondent has otherwise fulfilled
3 all of the statutory requirements for licensure. The restricted salesperson license shall be
4 limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

5 This Order is effective immediately.

6 IT IS SO ORDERED 10.28.20, 2020.

7 DOUGLAS R. McCAULEY
8 REAL ESTATE COMMISSIONER

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10 Douglas R. McCauley
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