

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

AUG 17 2021

DEPT. OF REAL ESTATE

By *Carla Delouis*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 MARTIN NICHOLAS BUTIER, )

13 Respondent. )

H-42026 LA

14 STIPULATION AND WAIVER

15 I, MARTIN NICHOLAS BUTIER ("Respondent"), do hereby affirm that I have applied to  
16 the Department of Real Estate ("Department") for a real estate salesperson license, and that to the  
17 best of my knowledge I have satisfied all of the statutory requirements for the issuance of the  
18 license, 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 ("Commissioner") has found grounds that justify the denial of the  
21 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to  
22 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Section  
23 10177(b) of the Business and Professions Code ("Code") for my convictions on January 19, 2017,  
24 1) violation of 21 United States Code section 856(a)(1) (maintaining a drug-involved premises and  
25 aiding and abetting), and 2) violation of 18 United States Code section 2(a) as charged in Count 3  
26 of the Indictment (maintaining a place for the purpose of manufacturing and distributing a  
27 controlled substance).

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

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

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

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

- 17 1. The restricted license shall not confer any property right in the privileges to be exercised  
18 including the right of renewal, and the Commissioner may by appropriate order suspend  
19 the right to exercise any privileges granted under the restricted license in the event of:
  - 20 a. Respondent's conviction (including a plea of nolo contendere) of a crime that  
21 bears a substantial relationship to Respondent's fitness or capacity as a real estate  
22 licensee; or
  - 23 b. The receipt of evidence that Respondent has violated provisions of the California  
24 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
25 conditions attaching to the restricted license.
- 26 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real  
27 estate license nor the removal of any of the conditions, limitations, or restrictions

1 attaching to the restricted license until two (2) years have elapsed from the date of  
2 issuance of the restricted license to Respondent. Respondent shall not be eligible to  
3 apply for any unrestricted licenses until all restrictions attaching to the license have  
4 been removed.

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

12 4. With the application for license or with the application for transfer to a new employing  
13 broker, Respondent shall submit a statement signed by the prospective employing  
14 broker on a form approved by the Department wherein the employing broker shall  
15 certify as follows:

- 16 a. That the broker has read the Stipulation and Waiver which is the basis for the  
17 issuance of the restricted license; and  
18 b. That the broker will carefully review all transaction documents prepared by the  
19 restricted licensee and otherwise exercise close supervision over the licensee's  
20 performance of acts for which a license is required.

21 06/23/2021  
22 Dated

Andrea Bentler  
Andrea Bentler, Counsel  
Department of Real Estate

24 \* \* \*

25 Respondent has read this Stipulation and Waiver, and its terms are understood by  
26 Respondent and are agreeable and acceptable to Respondent. Respondent understands that  
27 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,

1 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and  
2 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited  
3 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to  
4 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of  
5 the charges.

6 Respondent shall send a hard copy of the original signed Stipulation and Waiver to  
7 Andrea Bentler, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California  
8 90013.

9  
10 6-13-2021  
11 Dated

12 MARTIN NICHOLAS BUTIER  
13 MARTIN NICHOLAS BUTIER, Respondent

14 \* \* \*

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

19 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be  
20 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for  
21 licensure. The restricted salesperson license shall be limited, conditioned, and restricted as  
22 specified in the foregoing Stipulation and Waiver.

23 This Order is effective immediately.

24 IT IS SO ORDERED

25 DOUGLAS R. McCAULEY  
26 DOUGLAS R. McCAULEY  
27 REAL ESTATE COMMISSIONER