

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916)263-8670

FILED

MAR 12 2018

BUREAU OF REAL ESTATE

By B. Nicholas

8 **BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Application of:

) CalBRE No. H-3079 FR

12 GARY NEAL CURTIS,

) **STIPULATION AND WAIVER**

13)
14 Respondent)
15)

16 It is hereby stipulated by and between, GARY NEAL CURTIS, ("Respondent"), and
17 Respondent's counsel, Iustina G. Mignea, of the Law Offices of Gould & Hahn, and Complainant,
18 acting by and through Adriana Z. Badilas, counsel for the Bureau of Real Estate ("Bureau"), as
19 follows for the purpose of settling and disposing of the Statement of Issues filed on May 17, 2017,
20 in this matter:

21 Respondent acknowledges that Respondent has received and read the Statement of Issues
22 and the Statement to Respondent filed by the Bureau in connection with Respondent's application
23 for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
24 ("Commissioner") may hold a hearing on the Statement of Issues for the purpose of requiring
25 further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or
26 that the Commissioner may in his discretion waive the hearing and grant Respondent a restricted
27 real estate license based upon this Stipulation and Waiver.

1 Respondent also understands that by filing the Statement of Issues in this matter the
2 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent
3 meets all the requirements for issuance of a real estate salesperson license. Respondent further
4 understands that by entering into this Stipulation and Waiver Respondent will be stipulating that the
5 Commissioner has found that Respondent has failed to make such a showing, thereby justifying the
6 denial of the issuance to Respondent of a real estate salesperson license.

7 Respondent hereby admits that the allegations of the Statement of Issues filed against
8 Respondent are true and correct and requests that the Commissioner in his discretion issue a
9 restricted real estate salesperson license to Respondent under the authority of Sections 10156.5 and
10 10166.051 of the Business and Professions Code ("Code").

11 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
12 Respondent's right to a hearing and the opportunity to present evidence at the hearing if this
13 Stipulation and Waiver is accepted by the Commissioner. However, Respondent is not waiving
14 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted real
15 estate salesperson if this Stipulation and Waiver is not accepted by the Commissioner.

16 Respondent agrees that by signing this Stipulation and Waiver, the conditions, limitations
17 and restrictions imposed on Respondent's restricted real estate salesperson license, identified
18 below, may be removed only by filing a Petition for Removal of Restrictions ("Petition") with the
19 Commissioner, and that Respondent's Petition must follow the procedures set forth in Government
20 Code Section 11522.

21 Respondent further understands that the restricted real estate salesperson license issued to
22 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
23 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the
24 Code:

- 25 1. The restricted real estate salesperson license shall not confer any property rights in the
26 privileges to be exercised including the right to renewal, and the Commissioner may by
27 appropriate order suspend the right to exercise any privileges granted under the

1 restricted real estate salesperson license in the event of:

2 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
3 bears a substantial relationship to Respondent's fitness or capacity to hold a real
4 estate license; or

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

8 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
9 estate salesperson license nor the removal of any of the conditions, limitations or
10 restrictions attaching to the restricted real estate salesperson license until four (4) years
11 have elapsed from the date of issuance of the restricted real estate salesperson license
12 to Respondent. Respondent shall not be eligible to apply for any unrestricted licenses
13 until all restrictions attaching to the license have been removed.

14 3. With the application for a real estate salesperson license, or with the request to transfer
15 to a new employing broker, Respondent shall submit a statement signed by the
16 prospective employing broker on a form approved by the Bureau wherein the
17 employing broker shall certify as follows:

18 a. That the broker has read the Statement of Issues, which is the basis for the
19 issuance of the restricted real estate salesperson license; and

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

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

ATTN: - CUSTINA G. MICHEN

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address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted real estate salesperson license and shall be grounds for the suspension or revocation of that restricted real estate salesperson license.

01/31/18



Dated

ADRIANA Z. BADILAS
Counsel for the Bureau of Real Estate

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

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at the following fax number (916)263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver.

9/19/2017

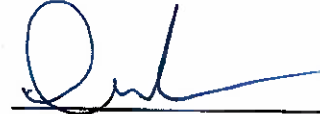

GARY NEAL CURTIS, Respondent

Dated

1 *I have reviewed the Stipulation and Waiver as to form and content and have advised my*
2 *client accordingly.*

3
4
5 Dated

9/19/17



JUSTINA G. MIGNEA
Attorney for Respondent

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7 * * *

8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
9 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as
10 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to
11 the public interest to issue a restricted real estate salesperson license to Respondent.

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

16 This Order is effective immediately.

17 IT IS SO ORDERED

3/7/18

18 WAYNE BELL
19 REAL ESTATE COMMISSIONER



21
22 By: DANIEL J. SANDRI
23 Chief Deputy Commissioner