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JUN 17 2009

DEPARTMENT OF REAL ESTATE

L. Guin

1 Department of Real Estate
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3 Sacramento, CA 95818-7007
4
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7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 *In the Matter of the Application of*)
11) No. H- 3946 SD
12 CHARLES BYRON GIBSON, III,)
13) STIPULATION AND
14) WAIVER
15)
16 Respondent)
17)
18)

19 I, CHARLES BYRON GIBSON, III, Respondent herein, do hereby affirm that I have applied to the
20 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
21 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
22 therefor.

23 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
24 filed by the Department of Real Estate on April 22, 2008, in connection with my application for a real estate
25 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
26 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
27 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
showing that I meet all the requirements for issuance of a real estate salesperson license. I further
understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

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

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


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

- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
17 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that Respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to Respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax
8 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
9 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
11 the original signed Stipulation and Waiver.

12
13 5/6/2009
14 Dated

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14 CHARLES BYRON GIBSON, III, Respondent

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

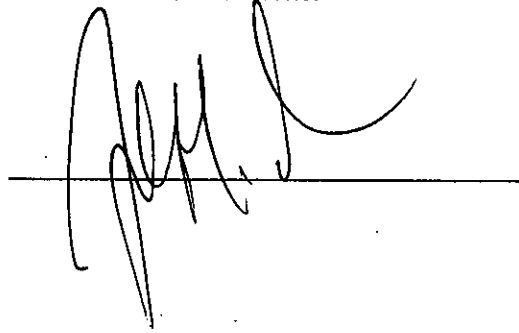
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent CHARLES BYRON GIBSON, III if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified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

This Order is effective immediately.

IT IS SO ORDERED

6-16-09

Jeff Davi
Real Estate Commissioner



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3 Department of Real Estate
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FILED

APR 22 2009

DEPARTMENT OF REAL ESTATE
By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of
CHARLES BYRON GIBSON, III,
Respondent.

No. H-3946 SD
STATEMENT OF ISSUES

The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against CHARLES BYRON GIBSON, III (hereinafter "Respondent"), is informed and alleges as follows:

1

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about September 25, 2007.

2

Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

3

On or about January 13, 1975, in the State of Oregon, Washington County, Hillsboro, Respondent was convicted of Insufficient Funds Check, a misdemeanor involving

1 moral turpitude and crime which bears a substantial relationship under Section 2910, Title 10,
2 California Code of Regulations, to the qualifications, functions, or duties of a real estate
3 licensee.

4 4

5 On or about February 10, 1976, in the State of Oregon, Washington County,
6 Hillsboro, Respondent was convicted of Larceny, a felony and crime which bears a substantial
7 relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications,
8 functions, or duties of a real estate licensee.

9 5

10 On or about 1984, in the Superior Court, County of Humboldt, Respondent was
11 convicted of Driving Under the Influence, a misdemeanor involving moral turpitude and crime
12 which bears a substantial relationship under Section 2910, Title 10, California Code of
13 Regulations, to the qualifications, functions, or duties of a real estate licensee.

14 6

15 On or about May 26, 1989, in the Superior Court, County of San Diego,
16 (case 89-141604E) Respondent was convicted of a violation of Section 484/488 of the California
17 Penal Code (Petty Theft), a misdemeanor and crime which bears a substantial relationship under
18 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties
19 of a real estate licensee.

20 7

21 On or about May 24, 1989, in the Superior Court, County of San Diego,
22 (case 89-14160A) Respondent was convicted of a violation of Section 484/488 of the California
23 Penal Code (Petty Theft), a misdemeanor and crime which bears a substantial relationship under
24 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties
25 of a real estate licensee.

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2 On or about August 18, 1989, in the Superior Court, County of San Diego,
3 (case CR107269) Respondent was convicted of a violation of Section 484/666 of the California
4 Penal Code (Petty Theft), a felony and crime which bears a substantial relationship under
5 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or
6 duties of a real estate licensee.

7 9

8 On or about June 4, 1990, in the Superior Court, County of San Diego,
9 (case CRN17412) Respondent was convicted of a violation of Section 484/666 of the California
10 Penal Code (Petty Theft), a felony and crime which bears a substantial relationship under
11 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or
12 duties of a real estate licensee.

13 10

14 On or about March 11, 1993, in the Superior Court, County of San Diego,
15 (case NC160942) Respondent was convicted of a violation of Sections 417(a) (Exhibit Firearm)
16 and 484/488 (Petty Theft) of the California Penal Code, misdemeanors and crimes which bear
17 a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
18 qualifications, functions, or duties of a real estate licensee.

19 11

20 On or about March 9, 1994, in the Superior Court, County of San Diego,
21 (case SCD101279) Respondent was convicted of a violation of Section 484/666 of the
22 California Penal Code (Petty Theft), a felony and crime which bears a substantial relationship
23 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions,
24 or duties of a real estate licensee.

25 12

26 On or about December 15, 1994, in the Superior Court, County of San Diego,
27 (case ECR10599) Respondent was convicted of a violation of Section 11350(a) of the

1 California Health and Safety Code (Possession of a Controlled Substance), a felony and crime
2 which bears a substantial relationship under Section 2910, Title 10, California Code of
3 Regulations, to the qualifications, functions, or duties of a real estate licensee.

4 13

5 On or about October 25, 1997, in the Superior Court, County of San Diego,
6 (case C164927) Respondent was convicted of a violation of Section 4149 of the California
7 Business and Professions Code (Possession of a Hypodermic Needle), a misdemeanor involving
8 moral turpitude and crime which bears a substantial relationship under Section 2910, Title 10,
9 California Code of Regulations, to the qualifications, functions, or duties of a real estate
10 licensee.

11 14

12 On or about January 12, 1996, in the Superior Court, County of San Diego,
13 (case SCD118266) Respondent was convicted of a violation of Section 484/666 of the
14 California Penal Code (Petty Theft), a felony and crime which bears a substantial relationship
15 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions,
16 or duties of a real estate licensee.

17 15

18 On or about June 10, 1999, in the Superior Court, County of San Diego,
19 (case SCE197785) Respondent was convicted of a violation of Section 484/666 of the
20 California Penal Code (Petty Theft), a felony and crime which bears a substantial relationship
21 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions,
22 or duties of a real estate licensee.

23 16

24 On or about November 3, 1999, in the Superior Court, County of San Diego,
25 (case CN089424) Respondent was convicted of a violation of Section 484/666 of the
26 California Penal Code (Petty Theft), a felony and crime which bears a substantial relationship

27 ///

1 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions,
2 or duties of a real estate licensee.

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4 The crimes of which Respondent was convicted, as alleged above, constitutes
5 cause for denial of Respondent's application for a real estate license under Sections 480(a) and
6 10177(b) of the California Business and Professions Code.

7 WHEREFORE, the Complainant prays that the above-entitled matter be set for
8 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
9 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
10 Respondent, and for such other and further relief as may be proper under other provisions of
11 law.

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13 
14 JOSEPH AIU
Deputy Real Estate Commissioner

15 Dated at San Diego, California,
16 this 11 day of April, 2009.