

1 Department of Real Estate
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FILED
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DEPARTMENT OF REAL ESTATE
By J. Lagas

5 **DEPARTMENT OF REAL ESTATE**
6 **STATE OF CALIFORNIA**

7 * * *

8 *In the Matter of the Application of*) H-7313 SAC
9 RICKY NELSON SR.,) **STIPULATION AND WAIVER**
10 Respondent.) (Per Business and Professions Code § 10100.4)

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12 RICKY NELSON SR. (Respondent), does hereby affirm that on January 12, 2023,
13 Respondent applied to the Department of Real Estate (Department) for a real estate salesperson
14 license and that to the best of Respondent's knowledge Respondent satisfied all of the statutory
15 requirements for the issuance of the license, including the payment of the fee therefore.

16 FACTUAL BASIS

17 Convictions

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19 On or about January 23, 2012, in Yolo County Superior Court, case CRF110001213,
20 Respondent was convicted of Section 484(A)/487(A) of the Penal Code (Theft), a felony which
21 bears a substantial relationship under Section 2910, Chapter 6, Title 10, California Code of
22 Regulations (Regulations) to the qualifications, functions or duties of a real estate licensee.

23 Matters in Aggravation:

24 On or about October 15, 2007, in Solano County Superior Court, case FCR243821,
25 Respondent was convicted of Section 14601.5(A) (Driving with a Suspended License).

26 On or about April 9, 2007, in Solano County Superior Court, case VCR186028,
27 Respondent was convicted of Section 23152(B) (Driving Under the Influence).

Department of Insurance Action

1 On or about January 6, 2022, the State of California, Department of Insurance,
2 denied Respondent's application for an insurance producer license with the qualifications of
3 accident, health, or sickness and life, granting Respondent a restricted license to act as an insurance
4 producer. The basis of the denial was the 2012 felony theft conviction, and the matters in
5 aggravation. These acts, if done by a real estate license applicant, would be grounds for the denial
6 of a California real estate license pursuant to the provisions of Section 10177(b) of the Business
7 and Professions (Code).

8 Failure to Disclose

9 In response to Question 21 of Respondent's salesperson application, to wit: "HAVE
10 YOU EVER BEEN DENIED, SUSPENDED, RESTRICTED OR REVOKED BUSINESS OR
11 PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY
12 OTHER STATE? IF YES, COMPLETE ITEM 26.", Respondent answered "No." Respondent
13 concealed and failed to disclose license denial by the Department of Insurance.

14 GROUND FOR DENIAL

15 Respondent's criminal conviction constitutes grounds under Sections 480(a), 480(e),
16 10177(b), and 10177(f), of the Code for the denial of Respondent's application for an unrestricted
17 real estate license.

18 TERMS AND CONDITIONS

19 Respondent understands that the Real Estate Commissioner (Commissioner) may
20 hold a hearing regarding the matters discussed above for the purpose of requiring further proof of
21 Respondent's honesty and truthfulness and to prove other allegations therein, or that the
22 Commissioner may waive the hearing and grant Respondent a restricted real estate salesperson
23 license based upon this Stipulation and Waiver. Respondent also understands that by entering into
24 this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has found that
25 Respondent has failed to make a showing that Respondent meets all the requirements for issuance
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1 of a real estate salesperson license thereby justifying the denial of the issuance to Respondent of an
2 unrestricted real estate salesperson license.

3 Respondent hereby admits the above Factual Basis is true and correct and requests
4 that the Commissioner issue a restricted real estate salesperson license to Respondent under the
5 authority of section 10100.4 and 10156.5 of the Code. I understand that any such restricted license
6 will be issued subject to the provisions of and limitations of sections 10156.6 and 10156.7 of the
7 Code.

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

14 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
15 limitations, and restrictions imposed on Respondent's restricted license, identified below, may be
16 removed only by filing a Petition for Removal of Restrictions (petition) with the Commissioner,
17 and that Respondent's petition must follow the procedures set forth in Government Code Section
18 11522. Respondent understands that this Stipulation and Waiver, which was executed pursuant to
19 the authority under section 10100.4 and 10156.5 of the Code, is considered discipline by the
20 Department.

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

24 1. The license shall not confer any property right in the privileges to be
25 exercised and the Commissioner may by appropriate order suspend the right to exercise any
26 privileges granted under this restricted license in the event of:
27

1 a. Respondent's conviction (including a plea of nolo contendere) of a
2 crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate
3 licensee; or

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

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

12 3. With the application for license, or with the application for transfer to a new
13 employing 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 certify as
15 follows:

16 a. That broker has read the Stipulation and Waiver which is the basis for the
17 issuance of the restricted license; and


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

21 4. Respondent shall notify the Commissioner in writing within 72 hours of any
22 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
23 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
24 Respondent's arrest, the crime for which Respondent was arrested and the name and address of the
25 arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute
26 an independent violation of the terms of the restricted license and shall be grounds for the
27 suspension or revocation of that license.

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

9 Respondent can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed by
11 Respondent, to the Department counsel Truly Sughrue. Respondent agrees, acknowledges and
12 understands that by electronically sending the Department a scan of Respondent's actual signature
13 as it appears on the Stipulation and Waiver, that receipt of the scan by the Department shall be
14 binding on Respondent as if the Department had received the original signed Stipulation and
15 Waiver. Respondent shall also send a hard copy of the original signed Stipulation and Waiver to
16 Truly Sughrue, Department of Real Estate, P.O. Box 137007 Sacramento, CA 95813-7007.

17
18 12/27/2023
Dated


RICKY NELSON SR., Respondent

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

23 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
24 license be issued to Respondent RICKY NELSON SR. if Respondent has otherwise fulfilled all of
25 the statutory requirements for licensure. The restricted license shall be limited, conditioned, and
26 restricted as specified in the foregoing Stipulation and Waiver.

27 This Order is effective immediately.

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IT IS SO ORDERED 1/30/24

CHIKA SUNQUIST
Real Estate Commissioner



By Marcus L. McCarther
Chief Deputy Real Estate Commissioner