

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**  
FEB 17 2005  
DEPARTMENT OF REAL ESTATE

By Anna B. Jones

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11 **DOUGLAS ROSS DAVIDSON**

12  
13 Respondent

)  
) No. H- 31339 LA  
)

) **STIPULATION AND**  
) **WAIVER**  
)

14  
15 I, DOUGLAS ROSS DAVIDSON, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on October 5, 2004, in connection with my application for a real  
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this  
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove  
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real  
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the  
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a  
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I  
27 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 requests 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. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, 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 if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

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

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

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5 restricted license; and

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months  
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12 successful completion, at an accredited institution, of a course in real estate practices and one of  
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15 present to the Department satisfactory evidence of successful completion of the two required  
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18 the restricted license, I have submitted the required evidence of course completion and the  
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall  
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four  
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received  
2 the original signed Stipulation and Waiver.

3 1-19-05  
4 Dated

  
5 DOUGLAS ROSS DAVIDSON, Respondent

6 \*\*\*

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

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

15 This Order is effective immediately.

16 IT IS SO ORDERED 2-9-05

  
17 Jeff Davi  
18 Real Estate Commissioner

Sacto  
2/2/05

FILED  
NOV 30 2004  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By Jane B. Jones

In the Matter of the Application of

DOUGLAS ROSS DAVIDSON,

}

Case No. H-31339 LA

OAH No. L-2004110012

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on JANUARY 18, 2005, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 30, 2004.

By Martha J. Rosett  
MARTHA J. ROSETT, Counsel

cc: Douglas Ross Davidson  
Sacto.  
OAH



1 of the Code.

2 2.

3 On or about February 17, 1984, Respondent was first  
4 licensed by the Department of Real Estate as a real estate  
5 broker. He was licensed as a real estate broker until on or  
6 about March 28, 1995, at which time his license was revoked.  
7 During the eleven years during which Respondent was previously  
8 licensed, Respondent was disciplined on several occasions, the  
9 details of which are set forth below.

10 3.

11 On or about January 21, 1988, in Department Case No.  
12 H-711 SA, a Desist and Refrain Order was issued against  
13 Respondent and United Western Mortgage Corporation, the real  
14 estate corporation for which he was serving as broker officer  
15 designated pursuant to Code Section 10159.2 to ensure compliance  
16 with the real estate laws. The Desist and Refrain Order cited  
17 several trust fund violations.

18 4.

19 On or about October 5, 1990, in Department Case No.  
20 H-824 LA, Respondent's broker license was revoked, and a  
21 restricted broker license was issued on November 6, 1990. The  
22 grounds for discipline included failure to comply with trust fund  
23 handling regulations. Among the conditions of the restriction  
24 placed on Respondent's license was a requirement that he, on  
25 behalf of the corporation, provide quarterly trust fund reports  
26 to the Department.

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On or about September 30, 1993, in Department Case No. H-1634 SA, a Desist and Refrain Order was issued against Respondent and First National Lenders Group (hereinafter "First National"). The Desist and Refrain Order stemmed from audit findings of violations of the real estate law which occurred during the period of time that Respondent was the designated officer-broker of First National.

6.

Effective March 28, 1995, Respondent's restricted broker license was revoked in Department Case No. H-1633 SA due to mishandling of trust funds and other violations of the real estate law.

7.

The prior Department actions, discipline and revocation of Respondent's real estate broker license, as set forth in Paragraphs 3 through 6 above, constitute grounds to deny his application for a real estate license pursuant to Code Section 10177(f).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

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1                   WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of, a real estate salesperson  
5 license to Respondent DOUGLAS ROSS DAVIDSON and for such other  
6 and further relief as may be proper under the law.

7 Dated at Los Angeles, California

8 this 15<sup>th</sup> day of October, 2004.

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12 Deputy Real Estate Commissioner  
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22 cc: DOUGLAS ROSS DAVIDSON  
23 Sacto.  
24 Maria Suarez  
25 MT  
26  
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