

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

4 Telephone: (213) 576-6982

FILED
APR - 5 2005
DEPARTMENT OF REAL ESTATE

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

9
10 *In the Matter of the Application of*

11 JOSHUA JOSEPH EARL,

12
13 Respondent

)
) No. H- 31555 LA
) L-2005010326

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

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

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on December 8, 2004, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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.
26
27

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 3-3-05

4 Dated

5 
6 JOSHUA JOSEPH EARL, Respondent

7 ***

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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED 3-24-05

18 
19 Jeff Davi
20 Real Estate Commissioner

57C

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-31555 LA
)
JOSHUA JOSEPH EARL,) OAH No. L-2005010326
)
_____)
Respondent(s)

FILED
FEB - 9 2005
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

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, CA 90013-1105 on WEDNESDAY, MARCH 9, 2005, at the hour of 1:30 P.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: February 3, 2005

By


MARTHA J. ROSETT, Counsel

cc: Joshua Joseph Earl
Adobe Holdings, Inc.
Sacto.
OAH

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
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FILED
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DEPARTMENT OF REAL ESTATE

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-31555 LA
12 JOSHUA JOSEPH EARL,)
13 Respondent.) STATEMENT OF ISSUES
14

15 The Complainant, Janice Waddell, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JOSHUA JOSEPH EARL ("Respondent"), alleges in her
18 official capacity as follows:
19

20 1.

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about November 3, 2003, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to the conditions of the Business
26 and Professions Code ("Code") Section 10153.4.
27

2.

1
2 In response to Question 25 of his license application,
3 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
4 CONVICTION EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
5 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO
6 NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent
7 answered "No", and failed to reveal the conviction set forth in
8 Paragraph 3, below.

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3.

10 On or about June 11, 2001, in the Superior Court,
11 County of San Bernardino, State of California, in Case No.
12 MRE012388, Respondent was convicted of violating one count of the
13 California Penal Code Section 12031(a)(1) (Possession of a Loaded
14 Firearm in a Vehicle), a misdemeanor crime which is substantially
15 related to the qualifications, functions and duties of a real
16 estate licensee.
17

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4.

19 Respondent's conviction, as set forth in Paragraph 3,
20 above, constitutes grounds for denial of Respondent's application
21 for a real estate license pursuant to Code Section 480(a).

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5.

23 Respondent's failure to reveal the conviction set forth
24 herein in Paragraph 3, above, in his license application,
25 constitutes the attempt to procure a real estate license by
26 fraud, misrepresentation, or deceit, or by making a material
27

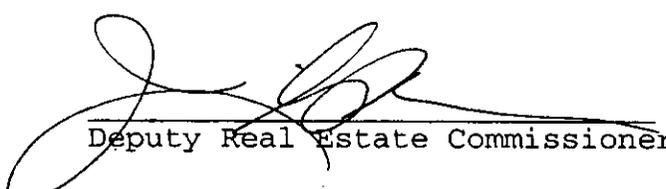
1 misstatement of fact, or knowingly making a false statement of
2 material fact required to be revealed in said application, which
3 is grounds for denial of the issuance of a license under Business
4 and Professions Code Section 480(c).

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

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

15 Dated at Los Angeles, California

16 this 6 day of December, 2004.

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20 
Deputy Real Estate Commissioner

21
22
23
24 cc: Joshua Joseph Earl
25 Adobe Holdings Inc.
26 Sacto.
27 Janice Waddell
CW