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FILED

AUG 25 2009

DEPARTMENT OF REAL ESTATE

By K. Max

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BILLY R. JORDAN,

Respondent.

No. H-1824 FR

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 14, 2006, a Decision was issued herein revoking the real estate broker license of Respondent effective April 13, 2006, but granting Respondent the right to the issuance of a restricted broker license. A restricted broker license was issued to respondent on April 13, 2006 and Respondent has been so licensed since that time.

On April 14, 2008, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

///

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate broker license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this

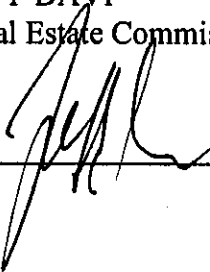
4 Order:

- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate broker license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 IT IS SO ORDERED 8-19-09
13

14 JEFF DAVI
15 Real Estate Commissioner

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FILED
MAR 24 2006

DEPARTMENT OF REAL ESTATE

By S. Kelly

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
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6
7
8 Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H-1824 FR
12)
13 JORDAN-LINK & COMPANY;) STIPULATION AND AGREEMENT
14 BILLY R. JORDAN; and,)
15 RUBEN MURGUIA MARTINEZ,)
16 Respondents.)

18 It is hereby stipulated by and between Respondent
19 JORDAN-LINK & COMPANY (hereinafter referred to as "Respondent
20 CORPORATION"), BILLY R. JORDAN (hereinafter "Respondent
21 JORDAN"), Respondent RUBEN MURGUIA MARTINEZ (hereinafter
22 "Respondent MARTINEZ"), Dale R. Bruder, counsel for Respondents,
23 and the Complainant, acting by and through Michael B. Rich,
24 Counsel for the Department of Real Estate, as follows for the
25 purpose of settling and disposing of the Accusation filed on
26 August 5, 2005, in this matter (hereinafter "the Accusation"):

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.

8 2. Respondents have received, read and understand
9 the Statement to Respondent, the Discovery Provisions of the APA
10 and the Accusation filed by the Department of Real Estate in
11 this proceeding.

12 3. On August 17, 2005, Respondents filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that
17 Respondents understand that by withdrawing said Notice of
18 Defense Respondents will thereby waive Respondents' right to
19 require the Commissioner to prove the allegations in the
20 Accusation at a contested hearing held in accordance with the
21 provisions of the APA and that Respondents will waive other
22 rights afforded to Respondents in connection with the hearing
23 such as the right to present evidence in defense of the
24 allegations in the Accusation and the right to cross-examine
25 witnesses.

26 4. Respondents, pursuant to the limitations set
27

1 forth below, hereby admit that the factual allegations in the
2 Accusation pertaining to Respondents are true and correct and
3 stipulate and agree that the Real Estate Commissioner shall not
4 be required to provide further evidence of such allegations.

5 5. It is understood by the parties that the Real
6 Estate Commissioner may adopt the Stipulation and Agreement as
7 his decision in this matter, thereby imposing the penalty and
8 sanctions on Respondents' respective real estate licenses and
9 license rights as set forth in the "Order" below. In the event
10 that the Commissioner in his discretion does not adopt the
11 Stipulation and Agreement, it shall be void and of no effect,
12 and Respondents shall retain the right to a hearing and
13 proceeding on the Accusation under all the provisions of the APA
14 and shall not be bound by any admission or waiver made herein.

15 6. This Stipulation and Agreement shall not
16 constitute an estoppel, merger or bar to any further
17 administrative or civil proceedings by the Department of Real
18 Estate with respect to any matters which were not specifically
19 alleged to be causes for accusation in this proceeding.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions
22 and waivers and solely for the purpose of settlement of the
23 pending Accusation without hearing, it is stipulated and agreed
24 that the following Determination of Issues shall be made:

25 I

26 The acts and omissions of Respondent CORPORATION as
27

1 described in the Accusation are grounds for the suspension or
2 revocation of the licenses and license rights of Respondent
3 CORPORATION under the provisions of Sections 10137 of the
4 Business and Professions Code (hereinafter "the Code") in
5 conjunction with 10177(d) of the Code.

6 The acts and omissions of Respondent JORDAN as
7 described in the Accusation are grounds for the suspension or
8 revocation of the licenses and license rights of Respondent
9 JORDAN under the provisions of Section 10177(h) of the Code and
10 Section 10159.2(a) of the Code in conjunction with 10177(d) of
11 the Code.

12 The acts and omissions of Respondent MARTINEZ as
13 described in the Accusation are grounds for the suspension or
14 revocation of the licenses and license rights of Respondent
15 Martinez under the provisions of Section 10130 of the Code and
16 Section 10137 of the Code in conjunction with 10177(d) and (f)
17 of the Code.

18 ORDER

19 I

20 All licenses and license rights of Respondent JORDAN-
21 LINK & COMPANY under Part 1 of Division 4 of the Business and
22 Professions Code are publicly reprovod.

23 II

24 All licenses and licensing rights of Respondent BILLY
25 R. JORDAN under the Real Estate Law are revoked; provided,
26 however, a restricted real estate broker license shall be
27

1 issued to said Respondent pursuant to Section 10156.5 of the
2 Business and Professions Code if, within 90 days from the
3 effective date of the Decision entered pursuant to this Order,
4 Respondent makes application for the restricted license and
5 pays to the Department of Real Estate the appropriate fee
6 therefor.

7 The restricted license issued to Respondent JORDAN
8 shall be subject to all of the provisions of Section 10156.7 of
9 the Business and Professions Code and to the following
10 limitations, conditions and restrictions imposed under authority
11 of Section 10156.6 of that Code:

12 1. The restricted license issued to Respondent
13 JORDAN may be suspended prior to hearing by
14 Order of the Real Estate Commissioner in the
15 event of Respondent's conviction or plea of nolo
16 contendere to a crime which is substantially
17 related to Respondent's fitness or capacity as a
18 real estate licensee.

19 2. The restricted license issued to Respondent
20 JORDAN may be suspended prior to hearing by
21 Order of the Real Estate Commissioner on
22 evidence satisfactory to the Commissioner that
23 Respondent has violated provisions of the
24 California Real Estate Law, the Subdivided Lands
25 Law, Regulations of the Real Estate Commissioner
26 or conditions attaching to the restricted
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license.

3. Respondent JORDAN shall not be eligible to apply
for the issuance of an unrestricted real estate
license nor for the removal of any of the
conditions, limitations or restrictions of a
restricted license until two (2) years have
elapsed from the effective date of this
Decision.

4. Respondent JORDAN shall, within nine months from
the effective date of the Decision, present
evidence satisfactory to the Real Estate
Commissioner that Respondent has, since the most
recent issuance of an original or renewal real
estate license, taken and successfully completed
the continuing education requirements of Article
2.5 of Chapter 3 of the Real Estate Law for
renewal of a real estate license. If Respondent
fails to satisfy this condition, the
Commissioner may order the suspension of the
restricted license until the Respondent presents
such evidence. The Commissioner shall afford
Respondent the opportunity for a hearing
pursuant to the Administrative Procedure Act to
present such evidence.

5. Respondent JORDAN shall, within six (6) months
from the effective date of this Decision, take

1 and pass the Professional Responsibility
2 Examination administered by the Department
3 including the payment of the appropriate
4 examination fee. If Respondent fails to satisfy
5 this condition, the Commissioner may order
6 suspension of Respondent's restricted license
7 until Respondent passes the examination.

8 6. Any restricted real estate broker license issued
9 to Respondent JORDAN may be suspended or revoked
10 for a violation by Respondent of any of the
11 conditions attaching to the restricted license.

12 7. The restricted license issued to Respondent
13 JORDAN is suspended for a period of sixty (60)
14 days from the effective date of this Decision;
15 provided, however, that if Respondent petitions,
16 said suspensions (or a portion thereof) shall be
17 stayed upon condition that:

18 a. Respondent JORDAN pays a monetary penalty
19 pursuant to Section 10175.2 of the Business
20 and Professions Code at the rate of \$50.00
21 for each day of the suspension for a total
22 monetary penalty of \$3,000.00.

23 b. Said payment shall be in the form of a
24 cashier's check or certified check made
25 payable to the Recovery Account of the Real
26 Estate Fund. Said check must be delivered to
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the Department prior to the effective date of the Decision in this matter.

c. No further cause for disciplinary action against the real estate licenses of Respondent JORDAN occurs within one year from the effective date of the Decision in this matter.

d. If Respondent JORDAN fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

e. If Respondent JORDAN pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision, the stay hereby granted shall become permanent.

III

All licenses and licensing rights of Respondent RUBEN MURGUIA MARTINEZ under the Real Estate Law are revoked;

1 provided, however, a restricted real estate salesperson license
2 shall be issued to said Respondent pursuant to Section 10156.5
3 of the Business and Professions Code if, within 90 days from
4 the effective date of the Decision entered pursuant to this
5 Order, Respondent makes application for the restricted license
6 and pays to the Department of Real Estate the appropriate fee
7 therefor.

8 The restricted license issued to Respondent MARTINEZ
9 shall be subject to all of the provisions of Section 10156.7 of
10 the Business and Professions Code and to the following
11 limitations, conditions and restrictions imposed under authority
12 of Section 10156.6 of that Code:

13 1. The restricted license issued to Respondent
14 MARTINEZ may be suspended prior to hearing by
15 Order of the Real Estate Commissioner in the
16 event of Respondent's conviction or plea of nolo
17 contendere to a crime which is substantially
18 related to Respondent's fitness or capacity as a
19 real estate licensee.

20 2. The restricted license issued to Respondent
21 MARTINEZ may be suspended prior to hearing by
22 Order of the Real Estate Commissioner on
23 evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands
26 Law, Regulations of the Real Estate Commissioner
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or conditions attaching to the restricted license.

3. Respondent MARTINEZ shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

4. Respondent MARTINEZ shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and,

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent MARTINEZ shall, within nine months from the effective date of the Decision, present evidence satisfactory to the Real Estate

1 Commissioner that Respondent has, since the most
2 recent issuance of an original or renewal real
3 estate license, taken and successfully completed
4 the continuing education requirements of Article
5 2.5 of Chapter 3 of the Real Estate Law for
6 renewal of a real estate license. If Respondent
7 fails to satisfy this condition, the
8 Commissioner may order the suspension of the
9 restricted license until the Respondent presents
10 such evidence. The Commissioner shall afford
11 Respondent the opportunity for a hearing
12 pursuant to the Administrative Procedure Act to
13 present such evidence.

14 6. Respondent MARTINEZ shall, within six (6) months
15 from the effective date of this Decision, take
16 and pass the Professional Responsibility
17 Examination administered by the Department
18 including the payment of the appropriate
19 examination fee. If Respondent fails to satisfy
20 this condition, the Commissioner may order
21 suspension of Respondent's restricted license
22 until Respondent passes the examination.

23 7. Any restricted real estate salesperson license
24 issued to Respondent MARTINEZ may be suspended
25 or revoked for a violation, by Respondent of any
26 of the conditions attaching to the restricted
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license.

8. The restricted license issued to Respondent MARTINEZ is suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that if Respondent petitions, said suspensions (or a portion thereof) shall be stayed upon condition that:

a. Respondent MARTINEZ pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$50.00 for each day of the suspension for a total monetary penalty of \$3,000.00.

b. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the Department prior to the effective date of the Decision in this matter.

c. No further cause for disciplinary action against the real estate licenses of Respondent MARTINEZ occurs within one year from the effective date of the Decision in this matter.

d. If Respondent MARTINEZ fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the

1 Commissioner may, without a hearing, order
2 the immediate execution of all or any part
3 of the stayed suspension in which event the
4 Respondent shall not be entitled to any
5 repayment nor credit, prorated or otherwise,
6 for money paid to the Department under the
7 terms of this Decision.

8 e. If Respondent MARTINEZ pays the monetary
9 penalty and if no further cause for
10 disciplinary action against the real estate
11 license of Respondent occurs within one year
12 from the effective date of the Decision, the
13 stay hereby granted shall become permanent.

14
15
16 3/28/06

DATED

Michael B. Rich

MICHAEL B. RICH, Counsel
Department of Real Estate

17
18
19 * * *


20 I have read the Stipulation and Agreement and its
21 terms are understood by me and are agreeable and acceptable to
22 me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509, and 11513 of the
25 Government Code), and I willingly, intelligently, and
26 voluntarily waive those rights, including the right of requiring
27

1 the Commissioner to prove the allegations in the Accusation at a
2 hearing at which I would have the right to cross-examine
3 witnesses against me and to present evidence in defense and
4 mitigation of the charges.

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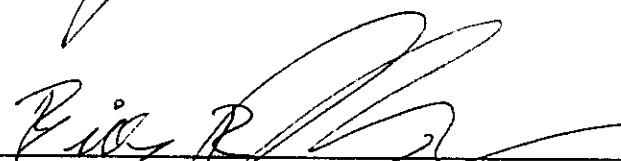
2-22-06

DATED


JORDAN-LINK & COMPANY
Respondent
By: BILLY R. JORDAN


2-22-06

DATED


BILLY R. JORDAN
Respondent

2-22-06


DATED


RUBEN MURGUIA MARTINEZ
Respondent

Approved as to form and content by counsel for
Respondent.

Feb. 22, 2006

DATED


DALE R. BRUDER
Attorney for Respondents

* * *

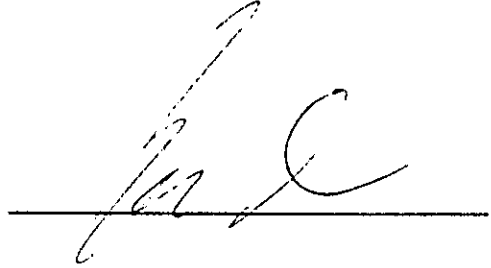
The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter as to Respondent

1 JORDAN-LINK & COMPANY, Respondent BILLY R. JORDAN, and
2 Respondent RUBEN MURGUIA MARTINEZ and shall become effective at
3 12 o'clock noon on APR 13, 2006.

4 IT IS SO ORDERED 3-14, 2006.

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JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is slanted upwards to the right.

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789

FILED
AUG 05 2005
DEPARTMENT OF REAL ESTATE
By J. E. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JORDAN-LINK & COMPANY,) NO. H-1824 FR
13 BILLY R. JORDAN, and,) ACCUSATION
14 RUBEN MURGUIA MARTINEZ,)
15 Respondents.)

16 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
17 Commissioner of the State of California, for causes of
18 Accusation against JORDAN-LINK & COMPANY, BILLY R. JORDAN, and
19 RUBEN MURGUIA MARTINEZ, is informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

22 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 against Respondents in his official capacity and not otherwise.

25 II

26 Respondents JORDAN-LINK & COMPANY, BILLY R. JORDAN,
27 and RUBEN MURGUIA MARTINEZ are presently licensed and/or have

1 license rights under the Real Estate Law, Part 1 of Division 4
2 of the California Business and Professions Code (hereafter "the
3 Code").

4 III

5 At all times herein mentioned, Respondent JORDAN-LINK
6 & COMPANY (hereafter "Respondent CORPORATION") was and is
7 licensed by the Department of Real Estate (hereafter
8 "Department") as a corporate real estate broker.

9 IV

10 At all times herein mentioned, Respondent BILLY R.
11 JORDAN (hereafter "Respondent JORDAN") was and is licensed by
12 the Department as an individual real estate broker and as the
13 designated broker/officer of Respondent CORPORATION.

14 V

15 On or about October 27, 2002, the real estate
16 salesperson license of RUBEN MURGUIA MARTINEZ (hereafter
17 "Respondent MARTINEZ") issued by the Department, expired and was
18 not renewed until February 6, 2003. At no time herein between
19 October 28, 2002, and February 5 2003, inclusive, was Respondent
20 MARTINEZ licensed by the Department as either a real estate
21 broker or real estate salesperson. At all times herein
22 mentioned, Respondent MARTINEZ was associated with and/or in the
23 employ of Respondent CORPORATION.

24 VI

25 At all times herein mentioned, Respondent CORPORATION
26 engaged in the business of, acted in the capacity of, advertised
27 or assumed to act as a real estate broker within the State of

1 California, including the business of selling or offering to
2 sell, buying or offering to buy, soliciting prospective sellers
3 or purchasers of, solicited or obtained listings of, or
4 negotiated the purchase, sale or exchange of real property or
5 business opportunities located in the State of California on
6 behalf of others pursuant to Section 10131(a) of the Code, for
7 or in expectation of compensation.

8 VII

9 During the period from at least October 28, 2002, to
10 about February, 5, 2003, when Respondent MARTINEZ' license was
11 expired, Respondent MARTINEZ was employed by and/or associated
12 with Respondent CORPORATION, and performed activities for
13 Respondent CORPORATION for which a real estate license is
14 required, for or in expectation of compensation. Respondent
15 MARTINEZ sold or offered to sell, bought or offered to buy,
16 solicited prospective sellers or purchasers of, solicited or
17 obtained listings of, or negotiated the purchase, sale or
18 exchange of real property or business opportunities located in
19 the State of California on behalf of others for or in
20 expectation of compensation from or was paid by or otherwise
21 received compensation from Respondent CORPORATION in various
22 such transactions, including, but not limited to, the following:

23
24 **LISTING AGREEMENTS:**

<u>Seller/Principal</u>	<u>Property</u>	<u>Listing Date</u>
25 Salvador and Sara 26 Valdovinos	1708 E. Howard Visalia, CA	12/3/02

1 Miguel Rodriguez 2109 S. Crenshaw 1/23/03
2 Visalia, CA

3
4 **PURCHASE CONTRACTS:**

<u>Principal</u>	<u>Property</u>	<u>Acceptance Date</u>
5 Christina Espinosa 6 (buyer)	247 E. Evergreen Visalia, CA	12/16/02
7 Salvador and Sara 8 Valdovinos (seller)	1708 E. Howard Visalia, CA	1/23/03
9 Salvador and Sara 10 Valdovinos (buyer)	2430 E. Seeger Visalia, CA	2/4/03

11
12 VIII

13 The acts and/or omissions of Respondent MARTINEZ as
14 alleged above violate Section 10130 of the Code, and constitute
15 grounds for disciplinary action against Respondent MARTINEZ
16 pursuant to Sections 10137 and 10177(d) and (f) of the Code.

17 IX

18 The above acts and/or omissions of Respondent
19 CORPORATION in employing and/or compensating Respondent MARTINEZ
20 when Respondent MARTINEZ was not duly licensed by the
21 Department, constitute grounds for disciplinary action against
22 Respondent CORPORATION pursuant to Sections 10137 and 10177(d)
23 of the Code.

24 SECOND CAUSE OF ACCUSATION

25 X

26 There is hereby incorporated in this Second, separate
27

1 and distinct, Cause of Accusation, all of the allegations
2 contained in Paragraphs I through IX, inclusive, of the First
3 Cause of Accusation with the same force and effect as if herein
4 fully set forth.

5 XI

6 At all times mentioned above, Respondent JORDAN was
7 responsible, as the designated officer of Respondent
8 CORPORATION, for the supervision and control of the activities
9 conducted on behalf of the corporation by its officers and
10 employees. Respondent JORDAN failed to exercise reasonable
11 supervision and control over the employment activities and the
12 business activities of selling or offering to sell, buying or
13 offering to buy, soliciting prospective sellers or purchasers
14 of, solicited or obtained listings of, or negotiated the
15 purchase, sale or exchange of real property or business
16 opportunities located in the State of California on behalf of
17 others pursuant to Section 10131(a) of the Code of Respondent
18 CORPORATION. In particular, Respondent JORDAN permitted,
19 ratified, and/or caused the conduct described in the First Cause
20 of Accusation, above, to occur, and failed to take reasonable
21 steps to prevent, including but not limited to, the employment
22 of an unlicensed person to conduct licensed activities, and
23 failed to implement policies, rules, procedures, and systems to
24 ensure the compliance of the corporation with the Real Estate
25 Law.

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XII

The above acts and/or omissions of Respondent JORDAN constitute grounds for disciplinary action under the provisions of Section 10159.2 and Section 10177(d) of the Code and/or Section 10177(h) of the Code.

MATTERS IN AGGRAVATION

XIII


On September 18, 1990, the Department issued a conditional real estate salesperson license to Respondent MARTINEZ pursuant to the educational requirements of Section 10153.4 of the Code. On March 13, 1992, while Respondent CORPORATION employed Respondent MARTINEZ, the Department suspended the real estate salesperson license of Respondent MARTINEZ for failing to timely complete and submit proof of completing the education requirements. Said suspension remained in effect until April 20, 1992.

XIV

The real estate salesperson license of Respondent MARTINEZ expired on September 17, 1998, while Respondent CORPORATION employed Respondent MARTINEZ, and was not renewed until October 28, 1998. On October 5, 1998, Respondent JORDAN signed the renewal application of Respondent MARTINEZ on behalf of Respondent CORPORATION as the employing broker.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents

1 under the Real Estate Law (Part 1 of Division 4 of the Business
2 and Professions Code), and for such other and further relief as
3 may be proper under other provisions of law.

4 
5 _____
6 JOHN W. SWEENEY
7 Deputy Real Estate Commissioner

8 Dated at Fresno, California,
9 this 26th day of July, 2005.

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