

FILED

NOV 15 2010

DEPARTMENT OF REAL ESTATE


BY _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

THOMAS SCOTT FAIR,

Respondent.

No. H-4577 SAC

ORDER GRANTING UNRESTRICTED LICENSE

On January 10, 2007, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 10, 2007, and Respondent has operated as a restricted licensee since that time.

On September 1, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

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1 an unrestricted real estate broker license and that it would not be against the public interest to
2 issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate broker license be issued to Respondent if Respondent
5 satisfies the following requirements:

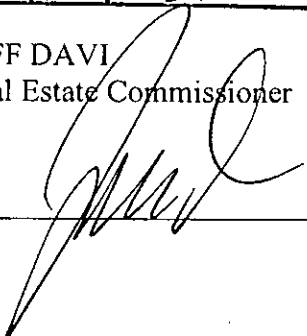
6 1. Submits a completed application and pays the fee for a real estate broker
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED 11-9-20

14 JEFF DAVIS
15 Real Estate Commissioner

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1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
JAN 12 2007

DEPARTMENT OF REAL ESTATE

By *L. Zia*

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11
12 THOMAS SCOTT FAIR,

13
14 Respondent

)
) No. H- 4577 SAC
)
)

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

15 I, THOMAS SCOTT FAIR, respondent herein, do hereby affirm that I have applied to the Department
16 of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the
17 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 NOVEMBER 6, 2006, in connection with my application for a real
20 estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement
21 of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
23 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
25 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
26 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
27

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker 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 broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 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 and the Real
14 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
15 granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to 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 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 (916) 227-9458. 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
4 12/7/06

5 Dated

6
7 Scott Fair

8 THOMAS SCOTT FAIR, Respondent

9 ***

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

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
15 respondent THOMAS SCOTT FAIR if respondent has otherwise fulfilled all of the statutory requirements
16 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
17 Stipulation and Waiver.

18 This Order is effective immediately.

19 IT IS SO ORDERED

20 1-10-07

21 Jeff Davi
22 Real Estate Commissioner

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25
26
27 Jeff Davi

1 ANGELA L. CASH, Counsel (SBN 230882)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0805 (Direct)

FILED
NOV 06 2006

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	
12 THOMAS SCOTT FAIR,)	No. H-4577 SAC
13 Respondent.)	<u>STATEMENT OF ISSUES</u>
14 _____)	

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against THOMAS SCOTT FAIR (herein "Respondent"), alleges
18 as follows:

19 I

20 Complainant, Charles W. Koenig, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues in his official capacity.

23 II

24 On or about June 22, 2006, Respondent made application
25 to the Department of Real Estate of the State of California
26 (herein "the Department") for a real estate broker license.

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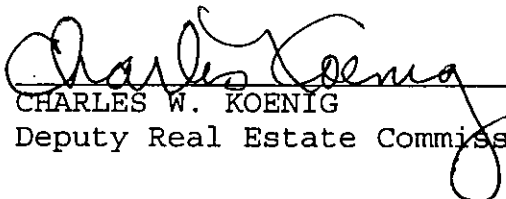
III

On or about February 11, 2003, in the Superior Court of the State of California, County of Santa Barbara, Respondent was convicted of the crime of Battery With Serious Bodily Injury in violation of Penal Code Section 243(d), a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's criminal conviction, as described in Paragraph III above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Code.

WHEREFORE, Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of a real estate broker license to Respondent, and for such other and further relief as may be proper in the premises.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 2nd day of November, 2006.