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DEPARTMENT OF REAL ESTATE

By Juan M. ...

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
STEPHEN SIDNEY COOPER,) NO. H-7602 SF
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On January 29, 1999, a Decision was rendered herein, denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 24, 1999, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On February 28, 2002, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

1 I have considered Respondent's petition and the
2 evidence submitted in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that he meets the requirements of law for the
5 issuance to him of an unrestricted real estate salesperson
6 license and that it would not be against the public interest to
7 issue said license to him.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for removal of restrictions is granted and that a real
10 estate salesperson license be issued to him subject to the
11 following understanding and conditions:

12 1. The license issued pursuant to this order shall be
13 deemed to be the first renewal of Respondent's real estate
14 salesperson license for the purpose of applying the provisions of
15 Section 10153.4.

16 2. Within nine (9) months from the date of this Order
17 Respondent shall:

18 (a) Submit a completed application and pay the
19 appropriate fee for a real estate salesperson
20 license, and

21 (b) Submit evidence of having taken and
22 successfully completed the courses specified
23 in subdivisions (a) (1), (2), (3) and (4) of
24 Section 10170.5 of the Real Estate Law for
25 renewal of a real estate license.

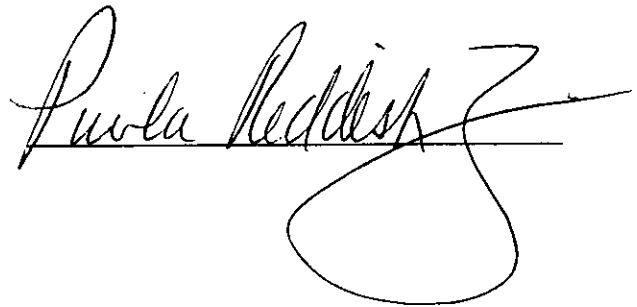
26 3. Upon renewal of the license issued pursuant to this
27 Order, Respondent shall submit evidence of having taken and

1 successfully completed the continuing education requirements of
2 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
3 real estate license.

4 This Order shall become effective immediately.

5 DATED: September 17, 2002
6

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

FEB - 4 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

* * *

In the Matter of the Application of)
STEPHEN SIDNEY COOPER,)
Respondent.)
NO. H-7602 SF
N-1998080397

DECISION

The Proposed Decision dated January 13, 1999, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon
on February 24, 1999.

IT IS SO ORDERED January 29, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:)	No. H-7602 SF
STEPHEN SIDNEY COOPER,)	OAH No. N-1998080397
)	
Respondent.)	

PROPOSED DECISION

On December 16, 1998, Ann E. Sarli, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Thomas C. Lasken, Real Estate Counsel, represented the complainant.

Samuel A. Chuck, Attorney at Law, represented the Respondent.

Evidence was received, the record was closed and the matter was submitted.

FACTUAL FINDINGS

1. On July 16, 1998, Les R. Bettencourt, Deputy Real Estate Commissioner of the State of California, made and filed the Statement of Issues in his official capacity. In so doing, he acted pursuant to the authority of Business and Professions Code section 10177(b), which states in pertinent part that the Commissioner may deny the issuance of a license to an applicant who has entered a plea of nolo contendere to a crime involving moral turpitude. Pursuant to Business and Professions Code section 480(a) a Board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime involving moral turpitude which bears a substantial relationship to the duties of a real estate salesperson under section 2910, Title 10, California Code of Regulations.

Stephen Sidney Cooper timely filed a Request For Hearing pursuant to Government Code sections 11504 and 11509. The matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500, et. seq.

2. On April 23, 1998, Mr. Cooper applied to The Department of Real Estate (hereafter "Department") for a real estate salesperson license. Mr. Cooper disclosed on his application that he had been convicted on January 12, 1998, in the Municipal Court of California, County of Los Angeles, on his plea of nolo contendere, to a violation of section 350(a)(2) of the California Penal Code (Sale of Counterfeit Mark).¹

3. Mr. Cooper's conviction arose from business dealings he conducted with his partner in March of 1997. Mr. Cooper had started a sporting goods distribution business ten years earlier, when he was in his early twenties. The business was successful for many years. The business operated by purchasing sporting goods from manufacturers and reselling the goods. The business employed sales representatives to make the connections necessary to sell the sporting goods. Competition from larger businesses caused Mr. Cooper to rethink his methods of operation. He closed the business and became a "manufacturer's representative". As such, he would contact buyers directly, secure their orders for merchandise and transmit the orders to various manufacturers. If buyers did not want the products he represented, they often asked for "close outs" (merchandise discounted for a variety of reasons) of other products.

In the course of this new business, Mr. Cooper met Allen Brown. Brown approached Mr. Cooper about buying close out merchandise from manufacturers and reselling the merchandise. Mr. Cooper agreed to the arrangement. Brown funded the purchase of close out sporting merchandise and the two partners stored their merchandise in a warehouse in Southern California. In early 1997, Brown met Donald Wallace. Wallace represented that he could sell them close outs of name-brand clothing. Brown purchased some merchandise from Wallace and stored it in their warehouse. Wallace told them he had a shipment of Levis jeans he could sell them. Cooper and Brown took three pairs of the jeans to a Levis retailer to check their authenticity. The retailer told them he could not determine whether the jeans were authentic. Cooper and Brown held off on their decision to purchase the Levis.

¹ That section provides in pertinent part:

"Any person who, willfully manufactures, intentionally sells, or knowingly possesses for sale any counterfeit of a mark registered with the Secretary of State or registered on the Principal Register of the United States Patent and Trademark Office, shall upon conviction, be punishable as follows:

"Where the offense involves 1,000 or more of the articles described in this subdivision, or has a total retail or fair market value equal to or greater than that required for grand theft as defined in Section 487, and if the person is an individual, he or she shall be punished by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months, or two or three years, by a fine not to exceed two hundred fifty thousand dollars (\$250,000), or by both that imprisonment and fine; or, if the person is a corporation, by a fine not to exceed five hundred thousand dollars (\$500,000)."

"The term 'Counterfeit mark' means a spurious mark that is identical with, or confusingly similar to, a registered mark and is used on or in connection with the same type of goods or services for which the genuine mark is registered. It is not necessary for the mark to be displayed on the outside of an article for there to be a violation. For articles containing digitally stored information, it shall be sufficient to constitute a violation if the counterfeit mark appears on a video display when the information is retrieved from the article. The term 'spurious mark' includes genuine marks used on or in connection with spurious articles and includes identical articles containing identical marks, where the goods or marks were reproduced without authorization of, or in excess of any authorization granted by, the registrant."

Meanwhile, Brown had located a buyer on the Internet, Jose Revilla. Mr. Revilla was interested in purchasing the Levis jeans. However, he was concerned that the jeans might not be authentic Levi's. Brown and Cooper gave Revilla some of the jeans so he could have them examined for authenticity. Rivella reported back to them that he had had his experts look at the jeans and that they appeared to be authentic. He wished to purchase all of the Levi's stock.

Brown and Cooper decided not to purchase the jeans from Wallace and then sell them to Revilla. Instead, they decided to serve as referral agents for the sale. They referred Rivella directly to Wallace in exchange for a referral fee. Mr. Cooper testified that they took this course because they did not know either Wallace or Revilla well enough to feel comfortable buying from or selling to either man.

On May 28, 1997, Brown and Cooper were present when the sale was made from Wallace to Rivella. Wallace, Brown and Cooper were arrested at the location of the sale. Rivella was an undercover investigator working for Levis Strauss company in its trademark infringement department. He had ascertained that the jeans were not authentic Levi Strauss products and had set up the transaction to apprehend vendors of counterfeit Levi's jeans.

4. On December 1, 1997, Mr. Cooper pleaded nolo contendere to one count of violation of Penal Code section 350(a)(2). Mr. Cooper was granted six months of formal probation, under the standard probationary terms and conditions. He was ordered to pay a restitution fine of \$200. No actual restitution was ordered. Mr. Cooper volunteered to cooperate fully with the authorities in securing the indictment and conviction of Wallace. He participated in "sting operations" designed to apprehend others who are engaged in selling counterfeit merchandise.

On August 18, 1998, the Superior Court for the State of California, County of Los Angeles, issued a minute order reducing Mr. Cooper's offense to a misdemeanor, pursuant to Penal Code section 17(B). The court terminated probation, changed his plea from nolo contendere to not guilty and dismissed the charge pursuant to Penal Code section 1203.4.²

5. The conviction set forth in Factual Findings Numbers 3 and 4 is a crime involving moral turpitude within the meaning of Business and Professions Code section 10177(b). Crimes which reveal an applicant's dishonesty involve moral turpitude. Clerici v Department of Motor Vehicles (Fifth Dist. 1990) 224 Cal. App. 3d 1016,1027. In Golde v. Fox (1979) 98 Cal.App.3d 167, 181, the court stated that "moral turpitude" is an elusive concept incapable of precise general definition. It includes any "dishonest or immoral" act,

² Penal Code section 1203.4(a) provides in pertinent part that in any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, ...be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; and, in either case, the court shall thereupon dismiss the accusations...against the defendant and ... he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted.

not necessarily a crime. Likewise, in Matanky v. Board of Medical Examiners (1978) 79 Cal. App. 3d 293, 305, the court held that a lack of honesty or integrity, such as intentional dishonesty, demonstrates a lack of moral character and satisfies a finding of unfitness to practice a profession.

Mr. Cooper denies that he knew the jeans were not authentic Levis. In fact, he testified, without contradiction, that the jeans in question were later found to be authentic. Mr. Cooper's testimony was credible. Mr. Cooper admits that there were several "red flags" present in his dealings with Brown, Wallace and Revilla which should have alerted him to the possibility that Wallace was attempting to sell unauthorized merchandise.

A conviction of violation of Penal Code section 350(a)(2) requires a "mens rea" of "actual knowledge" that the merchandise was unauthorized or "reason to believe" the merchandise was reproduced without authorization.³ A plea of nolo contendere is binding and the applicant may not claim that he was not guilty of all of the elements of the offense for which he was convicted. Thus, it has been conclusively shown by his plea of nolo contendere that Mr. Cooper had reason to believe that the merchandise was not authentic and chose to disregard that notice.

The question remains whether it is moral turpitude to ignore factors that are indicative of a dishonest transaction and to go forward and engage in the doubtful transaction. Careless disregard for the legality of an act, particularly after observing "red flags" can only be viewed as moral turpitude. To view the conduct otherwise, say as mere negligence, would encourage businesses to ignore indicia of dishonesty and to bury their heads in the sand to avoid liability. To phrase the question differently, is it moral turpitude to avoid the affirmative duty to conduct business in an honest and legal manner? The answer is yes; such conduct demonstrates lack of the moral character and integrity necessary to practice a profession. Cf Matanky v. Board of Medical Examiners (1978) 79 Cal. App. 3d 293, 305.

6. The conviction set forth in Factual Findings Numbers 3 and 4 bears a substantial relationship to the qualifications, functions and duties of a real estate licensee as set forth in Title 10, California Code of Regulations, section 2910. "Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualifications to be a real estate licensee. If appellant's offense reflects unfavorably on his honesty, it may be said to be substantially related to his qualifications." Golde v. Fox, (1979) 98 Cal. App. 3d 167, at page 176.

The Department has developed a criteria of substantial relationship which is contained in Title 10, California Code of Regulations section 2910 and which provides in pertinent part as follows:

³ The term "Knowingly possess" means that the person possessing an article knew or had reason to believe that it was spurious, or that it was used on or in connection with spurious articles, or that it was reproduced without authorization of, or in excess of any authorization granted by, the registrant." Penal Code section 350(a)(2)

"(a) When considering whether a license should be denied, suspended or revoked on the basis of the convictions of a crime . . . the crime or act shall be deemed to be substantially related to the qualifications, functions or duties of a licensee of the Department within the meaning of Sections 480 and 490 of the Code if it involves:

"(8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator."

Mr. Cooper's conviction stemmed from the doing of an unlawful act with the intent of conferring an economic benefit upon the perpetrator.

7. A weighing and balancing of factors in aggravation, mitigation, justification and rehabilitation is required before arriving at a determination as to whether the applicant for a real estate salesperson license is fit for licensure. There was some evidence introduced which tends to demonstrate justification for the violation. A transcript of a telephone message from Revilla was admitted in evidence. Just before the subject sale, Rivella advised that he had had the jeans examined by his expert and that his "man" "thinks they are real." While this is not sufficiently weighty information to allow Mr. Cooper to completely relax his vigilance, it could be a factor in leading a prudent person to believe that the jeans were authentic and that the transaction was therefore legal.

There are several factors in mitigation. Mr. Cooper was inexperienced in the business of buying and selling clothing and naive in the area of trademark infringements. His partner, who was more experienced in this area, made the connections with Wallace and Ravelli and arranged for the purchase and sale which led to the conviction. Mr. Cooper had never had a previous arrest or conviction and had managed his former business for ten years without violating any regulatory statutes. There is evidence that the Levis in question, after further examination by Levis experts, were indeed authentic, and thus Mr. Cooper's conviction would have been reversed had it not been expunged by the time the discovery was made.

There are numerous factors in rehabilitation. Mr. Cooper began to cooperate with authorities immediately upon his arrest. He was instrumental in leading to the convictions of others who were engaged in the sale of counterfeit clothing. He complied with all of the terms of his probation and his conviction was expunged. Although there are doubts as to the appropriateness of his conviction, he voluntarily and sincerely takes responsibility for his failure to be more cautious in the subject business transactions and for ignoring "red flags".

Mr. Cooper has been forthright in advising the Department and his real estate contacts of the conviction. He has secured employment with a broker who is willing to provide guidance and supervision. He has trained extensively in real estate and has completed a lengthy "Master's Course" in subjects including ethics. He has secured a "mentor" in the real estate profession, who is willing to commit a year to him to assist in auditing his files, meeting with his clients and reviewing his contracts.

Title 10, California Code of Regulations section 2911 sets forth the criteria developed by the Department pursuant to Business and Professions Code section 482(a) for evaluating the rehabilitation of an applicant for a real estate license after a criminal conviction. The following facts were established with regard to rehabilitation⁴:

- (a) Less than two years have passed from the date of Mr. Cooper's conviction to the date of the administrative hearing.
- (b) Mr. Cooper was not ordered to pay civil restitution in connection with his criminal misconduct.
- (c) Mr. Cooper's criminal conviction has been expunged.
- (d) Mr. Cooper has been discharged early from probation.
- (e) None of Mr. Cooper's conduct involved the use of alcohol or a controlled substance.
- (f) Mr. Cooper has paid all fines and fees related to his criminal conviction.
- (h) Pursuant to a License Certification Document admitted in evidence, it appears that Mr. Cooper may not have completed all pre licensing real estate courses required under Business and Professions Code Section 10153.4. He has completed extensive coursework in real estate since his conviction.
- (j) Mr. Cooper has changed his attitude toward his business practices. He is cautious and uses correct business practices.
- (l) Mr. Cooper associates with new and different business contacts from those which were involved in the transaction which led to his conviction.
- (m) Mr. Cooper has made a full disclosure of his acts and has evidenced a sincere change in attitude and acknowledgment of the part he played in the actions leading to his conviction.

There are no factors in aggravation.

LEGAL CONCLUSIONS

1. Cause for denial of Mr. Cooper's application for a real estate salesperson license was established pursuant to Business and Professions Code sections 480(a) and 10177(b) by reason of Factual Findings Numbers 3 through 6, inclusive.

⁴ Paragraph numbering corresponds to that in the referenced code section.

2. Mr. Cooper's convictions resulted from activities which are related to his licensed activities. A real estate salesperson must abide by numerous statutory rules and regulations and must be scrupulously honest and alert to inappropriate or illegal business transactions. However, the factors of justification, mitigation and rehabilitation set forth in Factual Findings Number 7 indicate that it would not be against the public interest to grant him a restricted salesperson license.

ORDER

Wherefore, the following order is hereby made:

Respondent's application for a conditional real estate salesperson license is denied; provided, however, that Respondent may apply for a restricted conditional real estate salesperson license and said conditional restricted license shall be issued to Respondent subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: Respondent shall within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the commissioner of successful completion of, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of issuance of the preceding restricted license.

The restricted license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code. The conditional restricted license issued to Respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real estate commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or

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

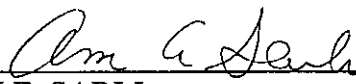
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one year has elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the performance of acts for which a license is required.

Dated: 1/13/99


ANN E. SARLI
Administrative Law Judge
Office of Administrative Hearings

FILED
OCT 28 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *Laurie A. Zinn*

In the Matter of the Application of

STEPHEN SIDNEY COOPER,

}

Case No. H-7602 SF

OAH No. _____

Respondent

FIRST AMENDED
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, 1515 Clay Street, Suite 206,
Oakland, CA 94612

on Wednesday, December 16, 1998, at the hour of 1:30 PM,
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 for 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: October 28, 1998

By *Thomas C. Lasken*
THOMAS C. LASKEN *Counsel*

FILED
AUG 20 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Application of

STEPHEN SIDNEY COOPER

Case No. H-7602 SF

OAH No. _____

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, 1515 Clay Street, Suite 206

Oakland, CA 94612

on Wednesday -- October 14, 1998, at the hour of 2:30 PM

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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

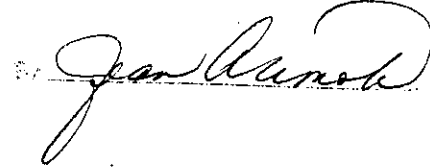
Dated: August 20, 1998

DEPARTMENT OF REAL ESTATE

By James L. Beaver
JAMES L. BEAVER Counsel

1 DAVID B. SEALS, Counsel
2 State Bar No. 69378
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
JUL 31 1998
DEPARTMENT OF REAL ESTATE



8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13) No. H-7602 SF
14 STEPHEN SIDNEY COOPER,) STATEMENT OF ISSUES
15 Respondent.)

16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against STEPHEN SIDNEY COOPER (hereinafter "Respondent"),
19 alleges as follows:

20 I

21 Respondent, pursuant to the provisions of Section
22 10153.3 of the Business and Professions Code, made application to
23 the Department of Real Estate of the State of California for a
24 real estate salesperson license on or about April 23, 1998, with
25 the knowledge and understanding that any license issued as a
26 result of said application would be subject to the conditions of
27 Section 10153.4 of the Business and Professions Code.

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II

Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.


III

On or about January 12, 1998, in the Municipal Court of California, County of Los Angeles, Inglewood Judicial District, Respondent was convicted of violation of Section 350(a)(2) of the California Penal Code (Sale of Counterfeit Mark), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The crime for which Respondent was convicted, as alleged 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 California Business and Professions Code.

WHEREFORE, the 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 salesperson license to Respondent, and for such other and further relief as may be proper in the premises.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 16th day of July, 1998.