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FILED

OCT 03 2005

DEPARTMENT OF REAL ESTATE

By Juan Acuna

In the Matter of the Application of) No. No. H-7754 SF
DAVID FORD WEBB,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On November 8, 1999, a Decision was rendered herein denying the Respondent's application for 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 December 2, 1999, and Respondent has operated as a restricted licensee since that time.

On March 31, 2004, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson 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 of an unrestricted real estate salesperson license

1 and that it would not be against the public interest to issue
2 said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for removal of restrictions is granted and that a real
5 estate salesperson license be issued to Respondent subject to the
6 following conditions:

7 1. Within nine (9) months from the date of this order
8 respondent shall:

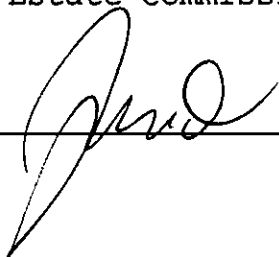
9 (a) Submit a completed application and pay the
10 appropriate fee for a real estate salesperson license, and

11 (b) Submit evidence of having taken and successfully
12 completed the continuing education requirements of Article 2.5 of
13 Chapter 3 of the Real Estate Law for renewal of a real estate
14 license.

15 This Order shall become effective immediately.

16 DATED: 9-14-05

17 JEFF DAVI
18 Real Estate Commissioner

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FILED
NOV 10 1999

DEPARTMENT OF REAL ESTATE

By Shelley King

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

◆ ◆ ◆

In the Matter of the Application of)
)
) No. H-7754 SF
)
) **STIPULATION AND WAIVER**
)
)
) Respondent.)
)

I, DAVID FORD WEBB, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on September 21, 1999, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I 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 issuance
2 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 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of

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

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

22 DATED this 20 day of October, 19 99

23 
24 Respondent DAVID FORD WEBB

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent DAVID FORD WEBB if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 8th day of November, 1999.

11
12 Real Estate Commissioner

13 John R. Lubator
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

OCT - 6 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

DAVID FORD WEBB,

}

Case No. H-7754 SF

OAH No. _____

By Laurie L. Zan

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 Tuesday, December 28, 1999, 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: October 6, 1999

DEPARTMENT OF REAL ESTATE

By

David B. Seals
DAVID B. SEALS

Counsel

FILED
SEP 21 1999

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

DEPARTMENT OF REAL ESTATE

Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 DAVID FORD WEBB,) No. H-7754 SF
13 Respondent.) STATEMENT OF ISSUES
14

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

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application to
22 the Department of Real Estate of the State of California for a
23 real estate salesperson license on or about February 25, 1999
24 with the knowledge and understanding that any license issued as a
25 result of said application would be subject to the conditions of
26 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 February 28, 1990, in the Municipal Court of California, County of Santa Cruz, Santa Cruz County Judicial District, Respondent was convicted of a violation of Section 484 of the California Penal Code (Petty Theft), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

On or about June 22, 1994, in the Municipal Court of Santa Cruz County, County of Santa Cruz, State of California, Respondent was convicted of a violation of Section 484(a) of the California Penal Code (Petty Theft), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

On or about September 1, 1994, in the Municipal Court of Santa Cruz County, County of Santa Cruz, State of California, Respondent was convicted of a violation of Section 470 of the California Penal Code (Forgery), a crime involving moral turpitude which bears a substantial relationship under Section

///

1 2910, California Code of Regulations, to the qualifications,
2 functions or duties of a real estate licensee.

3 VI

4 On or about December 21, 1994, in the Municipal Court
5 of Santa Cruz County, County of Santa Cruz, State of California,
6 Respondent was convicted of a violation of Section 484 of the
7 California Penal Code (Petty Theft), a crime involving moral
8 turpitude which bears a substantial relationship under Section
9 2910, Title 10, California Code of Regulations, to the
10 qualifications, functions or duties of a real estate licensee.

11 VII

12 The crimes of which Respondent was convicted, as
13 alleged in Paragraphs III, IV, V, and VI above, constitute cause
14 or denial of Respondent's application for a real estate license
15 under Sections 480(a) and 10177(b) of the California Business and
16 Professions Code.

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

23
24 

25 LES R. BETTENCOURT
Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 8th day of September, 1999.