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FILED
AUG 16 2007

DEPARTMENT OF REAL ESTATE

By Jean Brown

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-8404 SF
BARRY WARREN CLYDE,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On June 12, 2003, 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 June 27, 2003, and Respondent has operated as a restricted licensee since that time.

On April 13, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's 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 Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

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 Respondent if, within
11 nine (9) months from the date of this order, Respondent shall:

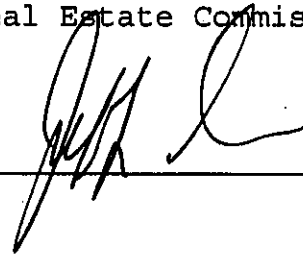
12 (a) Submit a completed application and pay the
13 appropriate fee for a real estate salesperson license, and

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

18 This Order shall become effective immediately.

19 IT IS SO ORDERED 8-9-, 2007.

20 JEFF DAVI
21 Real Estate Commissioner

22 
23 _____
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FILED

JUN 18 2003

DEPARTMENT OF REAL ESTATE

By *Therese C. Zier*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

BARRY WARREN CLYDE,

Respondent

No. H- 8404 SF

STIPULATION AND
WAIVER

I, BARRY WARREN CLYDE, 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 MAY 8, 2003, 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 she may in her 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
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 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or 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 including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges 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 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:

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

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

6 DATED this 29TH day of MAY, 2003.

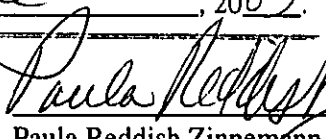
7 
8 BARRY WARREN CLYDE, Respondent

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 salesperson license to respondent.

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

18 This Order is effective immediately.

19 DATED this 12th day of June, 2003.

20 
21 Paula Reddish Zinnemann
22 Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 22 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

BARRY WARREN CLYDE,

By: Laurie P. Zein

Case No. H-8404 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 THURSDAY, JULY 24, 2003, at the hour of 9:00 A.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 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.

Dated: MAY 22, 2003

DEPARTMENT OF REAL ESTATE

By: David A. Peters
DAVID A. PETERS, Counsel

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)

FILED
MAY - 8 2003

DEPARTMENT OF REAL ESTATE

By *Laurie J. [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Application of)	
12	BARRY WARREN CLYDE,)	No. H-8404 SF
13	Respondent.)	<u>STATEMENT OF ISSUES</u>
14)	

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

19 I

20 Respondent, made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about November 12, 2002.

23 II

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

27 ///


1 III

2 On or about November 12, 1987, in the Second Judicial
3 District Court, County of Washoe, State of Nevada, Respondent
4 was convicted of a violation of NRS 453.401 (Conspiracy to Sell
5 Controlled Substance) and a violation of NRS 4533405 and NRS
6 453.3405 (Trafficking in a Controlled Substance) crimes
7 involving moral turpitude which bear a substantial relationship
8 under Section 2910, Title 10, California Code of Regulations, to
9 the qualifications, functions or duties of a real estate
10 licensee.

11 IV

12 The crime of which Respondent was convicted, as
13 alleged in Paragraph III above, constitutes cause for denial of
14 Respondent's application for a real estate license under
15 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
19 charges contained herein, that the Commissioner refuse to
20 authorize the issuance of, and deny the issuance of a real
21 estate salesperson license to Respondent, and for such other and
22 further relief as may be proper in the premises.

23
24 
25 LES R. BETTENCOURT
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 29th day of April, 2003.