

FILED

APR 24 2010

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-28561 LA
)	
WILLIAM B. E. NARDONI,)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 21, 2000, a Decision was rendered herein, revoking the real estate broker license of Respondent, 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 December 12, 2000 and Respondent has operated as a restricted licensee since that time.

On or about May 19, 2009, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted 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 an unrestricted real estate broker license be issued to
3 Respondent, if Respondent satisfies the following conditions within twelve (12) months from
4 the date of this Order:

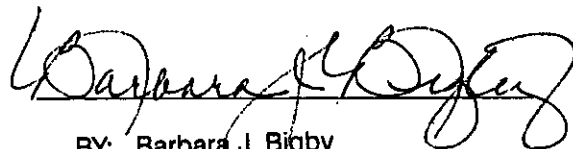
5 1. Submittal of a completed application and payment of the fee for a real estate
6 broker license.

7 2. Submittal of evidence of having, since the most recent issuance of an original
8 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 be effective immediately.

12 Dated: 4/21/10

13
14 JEFF DAVI
15 Real Estate Commissioner

16
17 

18 BY: Barbara J. Bigby
19 Chief Deputy Commissioner

*Acc'd
JMS*

FILED
APR 16 2008
DEPARTMENT OF REAL ESTATE

K. Mederholt

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28561 LA
)	
WILLIAM BRAZELL NARDONI,)	
)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On November 21, 2000, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to apply for and be issued a restricted real estate broker license.

On December 12, 2000, Respondent was issued a restricted real estate broker license.

On or about October 20, 2003, Respondent petitioned for reinstatement of said license. An Order Denying Reinstatement of License was filed on July 9, 2004.

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1 On or about July 10, 2006, Respondent again
2 petitioned for reinstatement of said license and the Attorney
3 General of the State of California has been given notice of the
4 filing of the petition.

5 I have considered Respondent's petition and
6 the evidence and arguments in support thereof. Respondent has
7 failed to demonstrate to my satisfaction that Respondent has
8 undergone sufficient rehabilitation to warrant the reinstatement
9 of Respondent's real estate broker license, in that:

10 I

11 In the Decision which revoked Respondent's real estate
12 broker license, there were Determination of Issues made that
13 there was cause to revoke Respondent's real estate license
14 pursuant to Business and Professions Code ("Code") Sections 490
15 and 10177(b).

16 On or about May 6, 1999, Respondent was convicted of
17 violating Welfare and Institutions Code Section 10980(c)(2)
18 (aid by misrepresentation - over \$400), a felony and a crime
19 involving moral turpitude, which is substantially related to the
20 qualifications functions and duties of a real estate licensee.

21 II

22 On or about July 11, 2005, an Accusation was filed
23 against Respondent in Department of Real Estate ("Department")
24 case number H-32070 LA. A Department audit examination of
25 Respondent's books and records revealed numerous violations of
26 the Real Estate Law.
27

1 On February 16, 2006, a Stipulation and Agreement in
2 case number H-32070 LA was filed. A thirty (30) day suspension
3 of Respondent's license was stayed on terms and conditions for
4 two (2) years.
5

6 III

7 The burden of proving rehabilitation rests with the
8 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
9 petitioner is required to show greater proof of honesty and
10 integrity than an applicant for first time licensure. The proof
11 must be sufficient to overcome the prior adverse judgment on the
12 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
13 395).

14 The Department has developed criteria in Title 10,
15 Chapter 6, California Code of Regulations ("Regulation") 2911
16 to assist in evaluating the rehabilitation of an applicant for
17 reinstatement of a license. Among the criteria relevant in this
18 proceeding are:

19 2911(a) - Additional time is needed to assess
20 Respondent's rehabilitation given Respondent's history of acts
21 and conduct which is substantially related to the
22 qualifications, functions and duties of a real estate licensee.
23

24 2911(k) - Respondent has not shown that Respondent has
25 corrected business practices resulting in injury to others or
26 with the potential to cause such injury.
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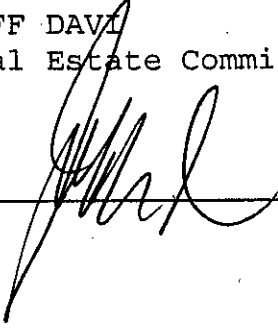
Given the fact that Respondent has not established that Respondent has complied with Regulations 2911(a) and 2911(k), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon MAY - 6 2008
on _____.

DATED: 4-10-08.

JEFF DAVIS
Real Estate Commissioner



1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that Respondent has
4 undergone sufficient rehabilitation to warrant the reinstatement
5 of Respondent's real estate broker license, in that:

6 I

7 In the Decision which revoked the real estate license
8 of Respondent there were Legal Conclusions made that there was
9 cause to revoke Respondent's real estate license pursuant to
10 Business and Professions Code ("Code") Sections
11 490 and 10177(b) for conviction of a crime.

12 On May 6, 1999, Respondent was convicted of a
13 violation of Welfare and Institutions Code Section 10980(c)(2).
14 (Aid by Misrepresentation - Over \$400), a crime involving moral
15 turpitude that is substantially related to the qualifications,
16 functions and duties of a licensee.

17 The facts and circumstances underlying the
18 conviction were that Respondent obtained aid for himself and
19 his children which he was not entitled to.

20 II

21 The burden of proving rehabilitation rests with the
22 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
23 A petitioner is required to show greater proof of honesty and
24 integrity than an applicant for first time licensure. The proof
25 must be sufficient to overcome the prior adverse judgment on the
26 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
27 395).

1 The Department has developed criteria in Title 10,
2 Chapter 6, California Code of Regulations ("Regulation") 2911
3 to assist in evaluating the rehabilitation of an applicant for
4 reinstatement of a license. Among the criteria relevant in
5 this proceeding are:

6 2911(k) - Correction of business practices. In
7 February, 2004, the Department of Real Estate conducted an
8 audit examination of Respondent's books and records. The
9 audit found violations of the Real Estate Law including,
10 Code Sections 10159.5, 10163, 10236.4, 10240 and 10241 and
11 Regulations 2840 and 2840.1.

12 2911(a) - A period longer than two (2) years is
13 required if there is a history of acts or conduct substantially
14 related to the qualifications, functions or duties of a real
15 estate licensee. Given Respondent's history which includes a
16 criminal conviction and multiple violations of the Real Estate
17 Law revealed during an audit examination, additional time is
18 needed to assess rehabilitation.
19
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21 Given the fact that Respondent has not established
22 that she has complied with Regulation 2911(a) and 2911(k), I am
23 not satisfied that Respondent is sufficiently rehabilitated to
24 receive a real estate broker license.

25 NOW, THEREFORE, IT IS ORDERED that Respondent's
26 petition for reinstatement of Respondent's real estate broker
27 license is denied.

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This Order shall become effective at 12 o'clock noon

on July 29, 2004.

DATED: July 2, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

cc: William B. Nardoni
94 E. Highland Drive
Camarillo, CA 93010

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

WILLAIM BRAZELL NARDONI

Respondent.

Case No. H-28561 LA

OAH No. L-2000060168

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, at Los Angeles, California, on October 6, 2000.

Chris Leong, Real Estate Counsel, represented the complainant Department of Real Estate. Respondent William B. Nardoni was personally present throughout the hearing and represented himself.

At the hearing, the Accusation was amended at page 1, paragraph II, line 25, by deleting "October 30, 1998" and substituting " May 6, 1999" therefore.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FACTUAL FINDINGS

1. Thomas McCrady, Deputy Real Estate Commissioner, Department of Real Estate made the Accusation in his official capacity.
2. Respondent has been licensed as a real estate salesperson since 1984 and as a real estate broker since 1988, under license ID#00861556. Said license expires May 26, 2003.
3. A. On May 6, 1999, in the Superior Court, County of Santa Barbara, State of California, respondent was convicted, on his plea of guilty, of a violation of Welfare and Institutions Code section 10980(c)(2) (aid by misrepresentation-over \$400), a felony involving moral turpitude which is substantially related under 10 California Code of Regulations section 2910, to the duties, qualifications or functions of a real estate licensee.

B. Imposition of sentence was suspended and respondent was placed on summary probation for a period of 3 years subject to certain terms and conditions including restitution and community service.

C. The facts and circumstances surrounding the conviction were that respondent obtained aid for himself and his children to which he was not entitled.

D. On September 26, 2000, respondent's conviction was expunged pursuant to Penal Code section 1203.4.

4. Respondent is 41 years of age, married with three minor children. He has been a resident of Southern California all of his life.

5. The crime committed by respondent occurred more than six years ago following his painful divorce and damages sustained by him after the 1994 earthquake. Respondent admits the seriousness of his actions and assumes full responsibility for his conduct. His probation has been terminated and he has made full restitution of all money received by him.

6. Respondent has been active in the real estate field for 16 years with no other convictions or complaints against his license. He is currently participating in the Make-A-Wish Foundation devoting much of his time and a percentage of his net sales profits to that charity. This conviction appears to be an aberration and out of character for respondent. It is unlikely that he will ever commit a similar or any other crime in the future.

* * * * *

LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke the real estate license of respondent pursuant to Business and Profession Code sections 490 and 10177(b), by reason of Finding 3.

2. Consideration has been given to all competent evidence of mitigation and rehabilitation. The public welfare will be adequately protected by the Order below.

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ORDER

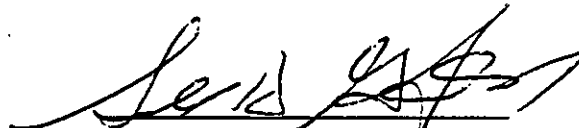
All licenses and licensing rights of respondent under the Real Estate law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The 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 restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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.
3. 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 of a restricted license until three (3) years have elapsed from the effective date of this Decision.
4. Respondent shall, within nine (9) months from the effective date of this 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 shall, within six (6) months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may set aside the stay order until respondent passes the examination.

6. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the respondent holds a restricted license, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest. Such reports may include, but shall not be limited to periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

Dated: October 19, 2000


Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

LHG:me

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 WILLIAM BRAZELL NARDONI,)
)
 _____)
 Respondent(s)

Case No. H-28561 LA

OAH No. L-2000060168

FILED
AUG 10 2000
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION By Chris Leong

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, OCTOBER 6, 2000, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation 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.

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.

DEPARTMENT OF REAL ESTATE

Dated: August 10, 2000

By Chris Leong
CHRIS LEONG, Counsel

cc: William Brazell Nardoni
David Cwiklo, Esq.
Sacto.
OAH

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 WILLIAM BRAZELL NARDONI,)
)
 _____)
 Respondent(s)

Case No. H-28561 LA

OAH No. L-2000060168

FILED
JUN 14 2000
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By Chris Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, JULY 20, 2000, at the hour of 2:30 P.M., or as soon thereafter as the matter can be heard, upon the Accusation 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.

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.

DEPARTMENT OF REAL ESTATE

Dated: July 14, 2000

By

Chris Leong

CHRIS LEONG, Counsel

cc: William Brazell Nardoni
/ Sacto.
OAH

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6910 (Direct)

FILED
MAY 22 2000
DEPARTMENT OF REAL ESTATE

By CB

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 WILLIAM BRAZELL NARDONI,)
13 Respondent.)

NO. H-28561 LA
ACCUSATION

14
15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against WILLIAM BRAZELL NARDONI (Respondent), is informed and
18 alleges in his official capacity as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 Business and Professions Code (hereinafter "Code"), as a real
23 estate broker.

24 II

25 On or about October 30, 1998, in the Superior Court of
26 the State of California, for the County of Santa Barbara, in case
27 number 484507, Respondent was charged with violation of seven
counts of the California Welfare and Institutions Code and Penal

1 Code; subsequently, in a plea bargain, Respondent was convicted
2 of violating Section 10980(c)(2) of the California Welfare and
3 Institutions Code (Aid by misrepresentation - over \$400), a
4 felony and a crime involving moral turpitude which is
5 substantially related under Section 2910, Title 10, Chapter 6,
6 California Code of Regulations, to the qualifications, functions
7 or duties of a real estate licensee.

8 III
9

10 Respondent's criminal conviction, as alleged above, is
11 grounds for the suspension or revocation of all licenses and/or
12 license rights of Respondent under Code Sections 490 and
13 10177(b).

14 WHEREFORE, Complainant prays that a hearing be
15 conducted on the allegations of this Accusation and that upon
16 proof thereof, a decision be rendered imposing disciplinary
17 action against all licenses and/or license rights of Respondent,
18 WILLIAM BRAZELL NARDONI, under the Real Estate Law (Part 1 of
19 Division 4 of the Business and Professions Code), and for such
20 other and further relief as may be proper under other applicable
21 provisions of law.

22 Dated at Los Angeles, California
23 this 22nd day of May, 2000.

24
25 THOMAS MCCRADY

Deputy Real Estate Commissioner

26 cc: William Brazell Nardoni
27 Thomas McCrady
Sacto.
LF

