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FILED

JUL 26 2010

DEPARTMENT OF REAL ESTATE

By Jean Bunch

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-32138 LA
)	
THADDEUS MICHAEL FRANCIS,)	
)	
Respondent.)	
)	

ORDER DENYING RECONSIDERATION

On April 22, 2010, an Order Denying Removal of Restrictions was rendered to become effective July 16, 2010. Said Order was stayed by separate order to July 26, 2010.

On July 14, 2010, Respondent petitioned for reconsideration of the Order of April 22, 2010.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of April 22, 2010 and reconsideration is hereby denied.

IT IS SO ORDERED 7/26/10

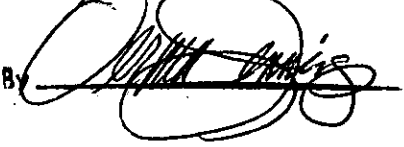
JEFF DAVI
Real Estate Commissioner

Barbara J. Bigby

BY: Barbara J. Bigby
Chief Deputy Commissioner

SACCO,
FLAY

FILED
JUL 16 2010
DEPARTMENT OF REAL ESTATE

By: 

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) No. H-32138 LA
)
THADDEUS MICHAEL FRANCIS,)
)
Respondent.)

ORDER STAYING EFFECTIVE DATE

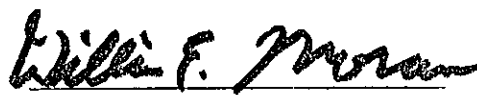
On April 22, 2010, an Order Denying Removal of Restrictions ("Order") was rendered in the above-entitled matter to become effective July 16, 2010.

IT IS HEREBY ORDERED that the effective date of the Order of April 22, 2010, is stayed for a period of 10 days to consider Respondent's petition for reconsideration.

The Order of April 22, 2010, shall become effective at 12 o'clock noon on July 26, 2010.

DATED: July 15, 2010.

JEFF DAVI
Real Estate Commissioner

By: 
WILLIAM E. MORAN
Assistant Commissioner, Enforcement

FILED

JUN 26 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
THADDEUS MICHAEL FRANCIS,
Respondent.

No. H-32138 LA

ORDER DENYING REMOVAL OF RESTRICTIONS

On January 17, 2006, a Decision was rendered denying Respondent's license application due to criminal convictions, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said license was issued to Respondent on February 27, 2007.

On February 25, 2008, Respondent petitioned for removal of restrictions from said real estate salesperson license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license at this time.

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

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

8 Regulation 2911(a) the passage of not less than two years since the most recent
9 conviction.

10 From 1997 to 2001, Respondent had six (6) drug related convictions and in 2001,
11 Respondent was convicted of driving on a suspended license.

12 Respondent was convicted on May 5, 2008 of driving under the influence.

13 Given Respondent's history of substantially related acts and conduct, additional
14 time is needed to assess Respondent's rehabilitation.

15 Regulation 2911(n) Change in attitude from that which existed at the time of the
16 conduct in question as evidenced by any or all of the following:

17 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
18 of an inability to conform to societal rules when considered in light of the conduct in question.

19 Respondent was convicted on May 5, 2008 of driving under the influence.

20 Given the violations found and the fact that Respondent has not established that
21 Respondent has complied with Regulations 2911 (a) and (n)(5), I am not satisfied that
22 Respondent is sufficiently rehabilitated to receive an unrestricted real estate license.

23 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
24 restrictions on Respondent's real estate license is denied.

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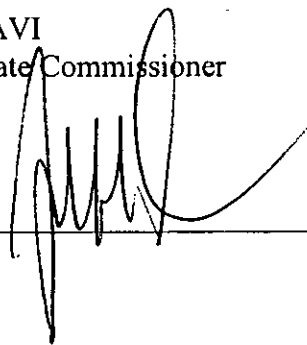
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This Order shall become effective at 12 o'clock noon on JUL 16 2010

IT IS SO ORDERED 04-22-2010

JEFF DAVI
Real Estate Commissioner



FILED
JAN 19 2006

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

* * * * *

In the Matter of the Application of)
)
THADDEUS MICHAEL FRANCIS,)
)
Respondent.)
_____)

No. H-32138 LA

L-2005090564

DECISION

The Proposed Decision dated December 16, 2005, 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.

Pursuant to Section 11517(c)(2)(c) of the Government Code, the following correction is made:

Factual Findings, page 1, paragraph No. 2, "August 25, 2005" is amended to read "August 5, 2005".

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 of Section 11522 is attached hereto for the information of respondent.

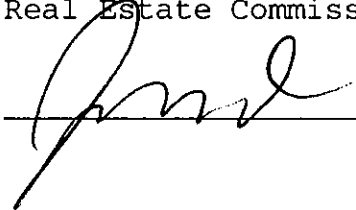
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria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

This Decision shall become effective at 12 o'clock
noon on February 8, 2006.

IT IS SO ORDERED

1-17-06

JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Jeff Davi', is written over a horizontal line.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

THADDEUS MICHAEL FRANCIS,

Respondent.

Case No. H-32138 LA

OAH No. L2005090564

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on November 18, 2005.

Alvaro Mejia, Staff Counsel, represented the Complainant.

Respondent appeared in person and represented himself.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, concludes and orders as follows:

FACTUAL FINDINGS

1. The Complainant, Janice A. Waddell, a Deputy Real Estate Commissioner of the State of California, brought the Statement of Issues against Thaddeus Michael Francis, Respondent, in her official capacity.

2. On August 25, 2005, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Business and Professions Code section 10153.4.

3. On May 4, 2001, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 01-3173CF10, Respondent was convicted of possession of cocaine, a felony. This is a crime involving moral turpitude and is substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

4. On February 26, 2001, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 01001757TC10A, Respondent was convicted of driving with a suspended license. This is a crime involving moral turpitude and is substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

5. On September 24, 1999, in the Broward County, Central Courthouse, County of Broward, State of Florida, in Case No. 99001589M010A, Respondent was convicted of disorderly conduct. This is a crime involving moral turpitude and is substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

6. On April 5, 1999, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 98-13690CF10, Respondent was convicted of possession of cocaine, a felony, possession of drug paraphernalia, a misdemeanor, and driving with a suspended license, a misdemeanor. These are crimes involving moral turpitude and are substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

7. On April 5, 1999, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 99-3942CF10, Respondent was convicted of possession of cocaine, a felony, possession of drug paraphernalia, a misdemeanor, and driving with a suspended license, a misdemeanor. These are crimes involving moral turpitude and are substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

8. On April 25, 1997, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 97004222CF10A, Respondent was convicted of possession of cocaine, a felony, possession of drug paraphernalia, a misdemeanor, and resist/obstructing without violence, a misdemeanor. These are crimes involving moral turpitude and are substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee.

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9. On February 13, 1997, in the Circuit/County Court, in and for Broward County, State of Florida, in Case No. 96-20389CF10, Respondent was convicted of violating title 46, Chapter 593, Florida Statutes (possession of cocaine), a 3rd degree felony. This is a crime involving moral turpitude and is substantially related under California Code of Regulations, title 10, Chapter 6, section 2910, to the qualifications, functions or duties of a real estate licensee. On April 25, 1997, in the Circuit Court, Broward County, State of Florida, in Case No. 96-20389FC10, Respondent was found to have violated his terms of probation and his probation was revoked.

10. The convictions for disorderly conduct and driving under the influence were cocaine related convictions. The totality of Respondent's wrongdoing arose from Respondent's cocaine addiction and crack cocaine addiction, during the period from June, 1996 through January, 2001, while residing in the State of Florida. Respondent has completed probation in the May, 2001, case. Respondent has successfully completed probation in all other criminal cases.

11. In 2001, Respondent received drug treatment and rehabilitation in the Broward County ATACC (Alternative Treatment Against Crack Cocaine) programs, for a sustained period of five months. He has been clean and sober since that time as confirmed by drug tests, from time to time, during the course of past and present employment.

12. At present Respondent has close ties with his father and his sister and other family members. His family provides strong emotional support to Respondent in his quest to remain clean and sober. Since the time of his last conviction, he has achieved stability of family life and does fulfill familial responsibilities. Respondent works and resides in the Palm Springs area and no longer has relationships with persons he knew in Florida during the time of his criminal addiction. His present associates are colleagues in the real estate profession, and personal friends with like interests. He attends social mixers and meetings at the Desert Business Association and has personal friends within the Rotary Club. He, therefore, has new and different social and business relationships from those which existed at the time of his criminal conduct.

13. Since the time of his last conviction Respondent has been continuously employed. He has worked in marketing and sales for Americas First Choice; for Tarbell Realtors as a transaction coordinator; for the Parker Palm Springs Hotel in guest services and reception. While so employed for that sustained period, he has worked with industry and diligence and with honesty and trustworthiness.

Arthur Bishop, a real estate broker since 1970 and the owner of Arthur Bishop Realty, gave testimony in support of Respondent's application. He has known Respondent for the last two and one-half years. In Mr. Bishop's considered and credible opinion, Respondent is an outstanding member of the Palm Desert community and would be an asset to his business. If Respondent is granted a restricted license, Mr. Bishop has agreed to provide supervision over Respondent's real estate activities.

14. Respondent was transparent in the Department's application and interview process; that is all he has provided full disclosure to the Department. He has provided full disclosure to his employers. Respondent was open and honest in his testimony and has been, and is now, contrite about his criminal conduct. His feelings of remorse are real. Respondent has established a change in attitude from that which existed at the time of the wrongful conduct. That change was established by the credible testimony of Respondent and the credible testimony of his prospective employing broker. That testimony was supported by character letters from Tarbell Realtors. The totality of the evidence did demonstrate that Respondent, presently, possesses the character traits of honesty, integrity, perseverance and self-discipline.

15. The last conviction occurred over four and one-half years ago and Respondent has suffered no conviction since that time. Respondent, by his diligent efforts toward self-improvement, did establish a record of clear and convincing rehabilitation as is required by California Code of Regulations, title 10, section 2911 as is reflected in Findings 10 through 14. Respondent is presently of good character. Accordingly, licensure of Respondent on a restricted status is consistent with the public interest.

LEGAL CONCLUSIONS

1. This proceeding is brought under the provisions of section 10100, Division 4 of the Business and Professions Code of the State of California and sections 11500 through 11528 of the Government Code.

2. The crimes of which Respondent was convicted as set forth in Findings 3, 4, 5, 6, 7, 8 and 9 constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code sections 475, subdivision (a)(2); 480, subdivision (a)(1) and 10177, subdivision (b). However, by reason of Findings 10 through 15, licensure on a restricted status is appropriate and in the public interest.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10153.5 of the Business and Professions Code. The restricted license issued to the 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 said 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 this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have 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 RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

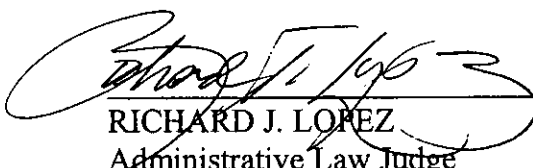
- (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent's restricted real estate salesperson license is issued 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, at an accredited institution, of a course in real estate practices and one 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.

5. Six months after the issuance of the restricted license, and at six month intervals thereafter during the term of any restricted license issued pursuant to this Decision, Respondent shall provide proof acceptable to the Real Estate Commissioner that, during the preceding six months, Respondent has, each and every week, attended one or more sessions of Alcoholics Anonymous or similar 12 Step or substance abuse program, or that such attendance in any week was impractical due to travel for work, the illness of Respondent or a member of Respondent's family, vacation, incarceration, residential treatment for substance abuse, extreme personal hardship for Respondent or a member of Respondent's family, or family emergency. Respondent shall submit such proof to the Los Angeles Crisis Response Team Manager of the Department of Real Estate. The Commissioner may suspend the restricted license issued to Respondent pending a hearing held in accordance with section 11500, et seq., of the Government Code, if such proof is not timely submitted as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The suspension shall remain in effect until such proof is submitted or until Respondent enters into an agreement satisfactory to the Commissioner to provide such proof, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

6. 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 the issuance of the preceding restricted license.

Dated: September 16, 2005


RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

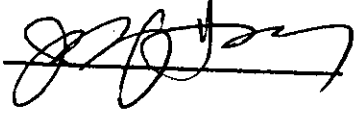
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1 ALVARO MEJIA, Counsel (SBN 216956)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED
AUG 16 2005
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) . NO. H-32138 LA
12 THADDEUS MICHAEL FRANCIS,)
13) STATEMENT OF ISSUES
14 Respondent.)
15)

16 The Complainant, Janice Waddell, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Statement
18 of Issues against THADDEUS MICHAEL FRANCIS, aka Thaddeus M.
19 Francis, aka Thaddeus Francis, aka Thad Francis, aka Ted
20 Francis, ("Respondent"), is informed and alleges as follows:

21 1.

22 The Complainant, Janice Waddell, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues against Respondent in her official capacity.

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2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate salesperson
3 license on or about August 5, 2003, with the knowledge and
4 understanding that any license issued as a result of said
5 application would be subject to the conditions of Business and
6 Professions Code ("Code") Section 10153.4.
7

8 3.

9 (CRIMINAL CONVICTIONS)

10 On or about May 4, 2001, in the Circuit/County Court,
11 in and for Broward County, State of Florida, in case no. 01-
12 3173CF10, Respondent was convicted of Possession/ Purpose/ Sell/
13 Deliver Cocaine, a felony. This is a crime involving moral
14 turpitude and is substantially related under Title 10, Chapter
15 6, Section 2910, California Code of Regulations, to the
16 qualifications, functions or duties of a real estate licensee.
17

18 4.

19 On or about February 26, 2001, in the Circuit/County
20 Court, in and for Broward County, State of Florida, in case no.
21 01001757TC10A, Respondent was convicted of Driving with a
22 Suspended License. This is a crime involving moral turpitude
23 and is substantially related under Title 10, Chapter 6, Section
24 2910, California Code of Regulations, to the qualifications,
25 functions or duties of a real estate licensee.

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5.

1
2 On or about September 24, 1999, in the Broward County
3 Central Courthouse, County of Broward, State of Florida, in case
4 no. 99001589MO10A, Respondent was convicted of Disorderly
5 Conduct. This is a crime involving moral turpitude and is
6 substantially related under Title 10, Chapter 6, Section 2910,
7 California Code of Regulations, to the qualifications, functions
8 or duties of a real estate licensee.

9
6.

10 On or about April 5, 1999, in the Circuit/County
11 Court, in and for Broward County, State of Florida, in case no.
12 98-13690CF10, Respondent was convicted of Possession of Cocaine,
13 a felony, Possession of Drug Paraphernalia, a misdemeanor, and
14 Driving with a Suspended License, a misdemeanor. These are
15 crimes involving moral turpitude and are substantially related
16 under Title 10, Chapter 6, Section 2910, California Code of
17 Regulations, to the qualifications, functions or duties of a
18 real estate licensee.
19

20
7.

21 On or about April 5, 1999, in the Circuit/County
22 Court, in and for Broward County, State of Florida, in case no.
23 99-3942CF10, Respondent was convicted of Possession of Cocaine,
24 a felony, Possession of Drug Paraphernalia, a misdemeanor, and
25 Driving with a Suspended License, a misdemeanor. These are
26 crimes involving moral turpitude and are substantially related
27 under Title 10, Chapter 6, Section 2910, California Code of

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

3 8.

4 On or about April 25, 1997, in the Circuit/County
5 Court, in and for Broward County, State of Florida, in case no.
6 97004222CF10A, Respondent was convicted of Possession of
7 Cocaine, a felony, Possession of Drug Paraphernalia, a
8 misdemeanor, and Resist/Obstructing without Violence, a
9 misdemeanor. These are crimes involving moral turpitude and are
10 substantially related under Title 10, Chapter 6, Section 2910,
11 California Code of Regulations, to the qualifications, functions
12 or duties of a real estate licensee.

13 9.

14 On or about February 13, 1997, in the Circuit/County
15 Court, in and for Broward County, State of Florida, in case no.
16 96-20389CF10, Respondent was convicted of violating Title 46,
17 Chapter 893, Florida Statutes (Possession of Cocaine), a 3rd
18 degree felony. This is a crime involving moral turpitude and is
19 substantially related under Title 10, Chapter 6, Section 2910,
20 California Code of Regulations, to the qualifications, functions
21 or duties of a real estate licensee.

22 In aggravation of the above, on or about April 25,
23 1997, in the Circuit Court, Broward County, State of Florida, in
24 case no. 96-20389CF10, Respondent was found to have violated his
25 terms of probation and his probation was revoked.
26
27

1
2 The crimes of which Respondent was convicted, as
3 alleged herein above in Paragraphs 3, 4, 5, 6, 7, 8, and 9
4 constitutes cause for denial of Respondent's application for a
5 real estate license under Business and Professions Code Sections
6 475(a)(2); 480(a)(1); and/or 10177(b).

7 The Statement of Issues is brought under the
8 provisions of Section 10100, Division 4 of the Business and
9 Professions Code of the State of California and Sections 11500
10 and 11529 of the Government Code.

11 WHEREFORE, Complainant prays that the above entitled
12 matter be set for hearing and, upon proof of the charges
13 contained herein, that the Commissioner refuse to authorize the
14 issuance of, and deny the issuance of, a real estate salesperson
15 license to Respondent, THADDEUS MICHAEL FRANCIS, and for such
16 other and further relief as may be proper under other provisions
17 of law.

18
19 Dated at Los Angeles, California

20 this 12 day of August, 2005.

21
22 
23 Janice Waddell
24 Deputy Real Estate Commissioner

25 Cc: THADDEUS MICHAEL FRANCIS
26 Janice Waddell
27 Sacto.
LA