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DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-32806 LA
	)	
WALTER ANDREW STYCK.	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On March 13, 2007, a Decision was rendered herein denying 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 April 14, 2007 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about June 8, 2009, Respondent petitioned for removal of restrictions of said real estate broker license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent

1 meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker  
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal  
4 of restrictions is granted and that a real estate broker license be issued to Respondent, if

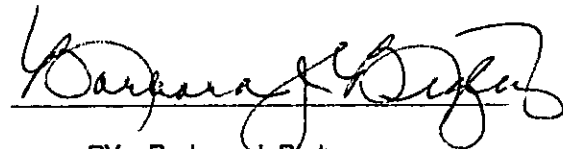
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate broker  
7 license within the 12 month period following the date of this Order; and  
8 2. Submits proof that Respondent has completed the continuing education  
9 requirements for renewal of the license sought. The continuing education courses must be  
10 completed either (i) within the 12 month period preceding the filing of the completed application,  
11 or (ii) within the 12 month period following the date of this Order.  
12

13 This Order shall be effective immediately.

14 Dated: 9/29/2010  
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16 JEFF DAVI  
17 Real Estate Commissioner

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19 BY: Barbara J. Bigby  
20 Chief Deputy Commissioner  
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1 On September 20, 2006, the Administrative Law Judge  
2 submitted a Proposed Decision which I declined to adopt as the  
3 Decision of the Real Estate Commissioner.

4  
5 On November 1, 2006, pursuant to Section 11517(c) of  
6 the Government Code of the State of California, Respondent was  
7 served with a copy of the Proposed Decision dated September 20,  
8 2006, and with notice that the case would be decided by me upon  
9 the record including the transcript of proceedings held on  
10 August 21, 2006, and upon any written argument offered by the  
11 parties..

12 Argument has been submitted on behalf of the Respondent  
13 and Complainant.

14 I have given careful consideration to the record in  
15 this case, including the transcript of proceedings of August 21,  
16 2006, and Respondent and Complainant's arguments.

17  
18 The following shall constitute the Decision of the Real  
19 Estate Commissioner in this matter..

20 FINDINGS OF FACT

21 1. The Statement of Issues, dated April 13, 2006, was  
22 made by Maria Suarez, a Deputy Real Estate Commissioner of the  
23 State of California, acting in her official capacity.

24 2. On April 18, 2005, Respondent filed a written  
25 application with the Department of Real Estate of the State of  
26  
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1 California (hereinafter Department) for a real estate broker  
2 license.

3 3. Respondent has held a restricted real estate  
4 salesperson license for six years. This license was issued by the  
5 Department pursuant to a stipulation and order in Department case  
6 number H-28734 LA, which was effective October 23, 2000.

7 4. On June 4, 1989, in the Municipal Court of Los  
8 Angeles, San Pedro Judicial District, County of Los Angeles,  
9 State of California, in case number 89S01374, Respondent was  
10 convicted, upon his plead of guilty, of violating Penal Code  
11 Section 148.9 (false identification to an officer), a misdemeanor  
12 involving moral turpitude and which is substantially related to  
13 the qualifications, functions and duties of a real estate  
14 salesperson. Respondent was placed on probation for 24 months  
15 under certain conditions, including incarceration for five days  
16 and payment of a fine in the sum of \$150.

17 5. In aggravation, on April 20, 1989, in the Municipal  
18 Court of South Bay Judicial District, County of Los Angeles,  
19 State of California, in case number 89M00207, Respondent was  
20 convicted, upon his plea of guilty, of violating Health and  
21 Safety Code Section 11377, subdivision (a) (possession of a  
22 controlled substance), a misdemeanor. On the same date, in the  
23 same court (but a different division), in case number 89M0795,  
24 Respondent was convicted of violating Health and Safety Code  
25 Section 11377, subdivision (a) (possession of a controlled  
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1 substance), a misdemeanor. At the time of these convictions,  
2 Respondent admitted to a probation officer that he had  
3 extensively used narcotics for "the past eight years". In both  
4 cases, imposition of sentence was suspended and Respondent was  
5 placed on summary probation for two years under certain  
6 conditions, including incarceration for 30 days and payment of  
7 fines in the sum of \$588.

8           6. In aggravation, on May 1, 1990, in the Superior  
9 Court of California for the County of Los Angeles, in case number  
10 YA001862, Respondent was convicted of violating Health and Safety  
11 Code Section 11377, subdivision (a) (possession of a controlled  
12 substance), a misdemeanor. Respondent was granted probation for  
13 three years, after serving 22 days in county jail.

14           7. On April 7, 1995, in the Superior Court of  
15 California for the County of Los Angeles (West District) in case  
16 number SA020076, Respondent was convicted, upon his plea of nolo  
17 contendere, of violating Health and Safety Code Section 11378  
18 (possession of a controlled substance for sale), a felony crime  
19 which involves moral turpitude. Imposition of sentence was  
20 suspended, and Respondent was placed on summary probation for  
21 three years under certain conditions, including incarceration for  
22 12 months, with credit for 195 days, and payment of a restitution  
23 fine in the sum of \$200.

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1 8. Respondent testified at the administrative hearing.  
2 He said that, after his father died suddenly when Respondent was  
3 14 years old, he started dabbling in drug use, which led to full-  
4 blown addiction. In 1995, he was trying "to separate himself from  
5 people using on a regular basis", and had moved into a hotel  
6 room, where he was caught by police with a sizable amount of  
7 cocaine. He served six months in "the hole" in county jail.  
8 During this period of sobriety, he decided to quit using for  
9 good. After his release, his friends tempted him to use again,  
10 but he refused. He has been sober for 11 years and has had no  
11 contact with his prior associates. Respondent has completed all  
12 probation requirements, including payment of all fines.

13 9. Although raised in the Christian church as a youth,  
14 he did not attend regularly until after his 1995 conviction. He  
15 now regularly attends. On holidays, he has delivered food,  
16 clothing and other items to those in need. He met his wife at  
17 church in 1999, and they have a stable family life. He has a  
18 five-year-old daughter. He has attended meetings of Celebrate  
19 Recovery, a group of his church, which helps members to deal with  
20 addictions, as well as other small groups of church members.

22 10. After his incarceration, Respondent worked in the  
23 computer field, for a while as a representative for IBM where he  
24 also trained others. Respondent was a loan officer for the past  
25 five years, first with Park Place Funding & Real Estate Services.  
26 There, he was a top sales agent in volume (over 300 loans). He  
27

1 was promoted to general manager, overseeing the loan activities  
2 of as many as 50 people, and later to vice president for sales  
3 and marketing. His current employer is Purpose Funding, where he  
4 trains new sales agents.

5 11. Three of Respondent's friends and colleagues  
6 testified at the administrative hearing. Michael David  
7 Blankenship, Senior Pastor of Lawndale Christian Church, and a  
8 lifelong friend of Respondent, said he knew Respondent before his  
9 drug problems, and later when Respondent contacted him in 1995 or  
10 1996 about going back to church. He said he has "talked to  
11 Respondent about everything." He does not have any reservations  
12 regarding Respondent's success overcoming his drug use. He said  
13 he trusts Respondent.

14 12. William Eugene Goocher (Goocher) is a licensed  
15 real estate broker who has known Respondent for four years.  
16 Goocher owns his own company doing business as Purpose Funding  
17 located in Mission Viejo, California, which employs between 20  
18 and 25 agents including Respondent. Goocher credits Respondent  
19 with teaching him the loan business. Goocher has no reservations  
20 about Respondent and believes he is stable and honest.

21 13. Kenneth Arthur Tylar (Tylar) went to junior high  
22 school in Lawndale where he and Respondent were best friends.  
23 Tylar is a licensed real estate salesperson in the loan business.  
24 Tylar said that after Respondent's father died, Respondent got  
25 into hanging out with the wrong crowd. He said that he, himself,  
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1 went to Alcoholics Anonymous and has been sober for over 13  
2 years. Respondent helped Tylar to start a career in mortgage  
3 lending after years of working as a manager at Home Depot. Tylar,  
4 who is a sales agent for Purpose Funding, has no reservations  
5 about Respondent's ability to remain sober.

6 LEGAL CONCLUSIONS

7 1. Cause exists to deny Respondent's application for a  
8 real estate broker license pursuant to Section 10177(b) and  
9 Section 480(a) of the Business and Professions Code (hereinafter  
10 Code), pursuant to Findings of Fact no. 4 and 7.

11 2. Respondent has been convicted of crimes that  
12 involve moral turpitude including false identification to a peace  
13 officer and possession of a controlled substance for sale which  
14 are substantially related to the qualifications, functions and  
15 duties of a real estate licensee under Title 10, California Code  
16 of Regulations (hereinafter Regulations) 2910(a)(4) and (8).  
17 Respondent's conduct constitutes deceit and falsehood and the  
18 doing of an unlawful act with the intent or threat of doing  
19 substantial injury to another person.  
20

21 The Legislature intended to ensure that real estate  
22 brokers and salespersons will be honest, truthful and worthy of  
23 the fiduciary responsibilities which they will bear. Ring v.  
24 Smith (1970) 5 Cal.App.3d 197, 205; Golde v. Fox (1976) 98  
25 Cal.App.3d, 167, 177; Harrington v. Department of Real Estate  
26 (1989) 214 Cal.App.3d 394, 402.  
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1                   3. Regulation 2911 sets forth the criteria developed  
2 by the Department pursuant to Code Section 482(a) for evaluating  
3 rehabilitation of an applicant following a criminal conviction or  
4 act of dishonesty. The following criteria are applicable to  
5 Respondent:

6                   (a) The passage of not less than two years since  
7 the most recent criminal conviction. Respondent's last criminal  
8 conviction occurred in 1995.

9                   (b) Restitution to any person who has suffered  
10 monetary losses through "substantially related" acts or omissions  
11 of the licensee. No financial restitution was required.

12                   (c) Expungement of criminal convictions. The  
13 convictions have not been expunged.

14                   (d) Expungement or discontinuance of a requirement  
15 of registration pursuant to the provisions of Penal Code Section  
16 290. This item is not applicable to Respondent.

17                   (e) Successful completion or early discharge from  
18 probation or parole. Respondent's last three-year term of  
19 probation ended in 1998.

20                   (f) Abstinence from the use of controlled  
21 substances or alcohol for not less than two years if the conduct  
22 which is the basis for the departmental action sought is  
23 attributable, in part, to the use of controlled substances or  
24 alcohol. Respondent claims he has been sober since 1995.  
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1 (g) Payment of the fine or other monetary penalty  
2 imposed in connection with a criminal conviction or quasi-  
3 criminal judgment. Respondent has paid the fines imposed for his  
4 criminal convictions.

5 (h) Stability of family life and fulfillment of  
6 parental and familial responsibilities subsequent to the  
7 conviction or conduct that is the basis for the agency action  
8 sought. Respondent testified that he was married and has a five-  
9 year old daughter.

10 (i) Completion of, or sustained enrollment in,  
11 formal education or vocational training courses for economic  
12 self-improvement. This item is not applicable to Respondent.

13 (j) Discharge of debts. This item is not  
14 applicable to Respondent.

15 (k) Correction of business practices. This item  
16 is not applicable to Respondent.

17 (l) Significant or conscientious involvement in  
18 community, church or privately sponsored programs designed to  
19 provide social benefits or to ameliorate social problems.  
20 Respondent has not done significant community service.

21 (m) New and different social relationships.  
22 Respondent now has different friends.

23 (n) Change in attitude from that which existed at  
24 the time of the conduct in question as evidenced by any or all of  
25 the following:  
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(1) Testimony of applicant.

(2) Evidence from family members, friends or other persons familiar with licensee's previous conduct and with his subsequent attitudes and behavioral patterns.

(3) Evidence from probation or parole officers or law enforcement officials competent to testify as to licensee's social adjustments.

(4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

Respondent and others testified on his behalf at hearing.

4. The purpose of regulatory statutes is not to punish but to protect members of the public when they deal with licensees. Cf. Clerici v. Department of Motor Vehicles (1990) 224 Cal.App.3d 1016, 1027 (citing Brewer v. Department of Motor Vehicles (1979) 93 Cal.App.3d 358, 367). Real estate licensees must be honest and responsible for their actions. Real estate licensees have access to the homes of sellers. They have access to personnel and financial records of clients. They must abide by numerous statutes and regulations designed to protect clients and to provide full disclosure to buyers, sellers and borrowers.

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1 5. It is prudent to impose restrictions on  
2 Respondent's licensure for a period of time to ensure he remains  
3 free of problems that may affect the public. The following order  
4 is consistent with the public interest.

5 ORDER

6 Respondent's application for a real estate broker  
7 license is denied; provided, however, a restricted real estate  
8 broker license shall be issued to Respondent pursuant to Section  
9 10156.5 of the Business and Professions Code. The restricted  
10 license issued to the Respondent shall be subject to all of the  
11 provisions of Section 10156.7 of the Business and Professions  
12 Code and to the following limitations, conditions and  
13 restrictions imposed under authority of Section 10156.6 of said  
14 Code:

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

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

22 (b) The receipt of evidence that Respondent has  
23 violated provisions of the California Real Estate Law, the  
24 Subdivided Lands Law, Regulations of the Real Estate Commissioner  
25 or conditions attaching to this restricted license.  
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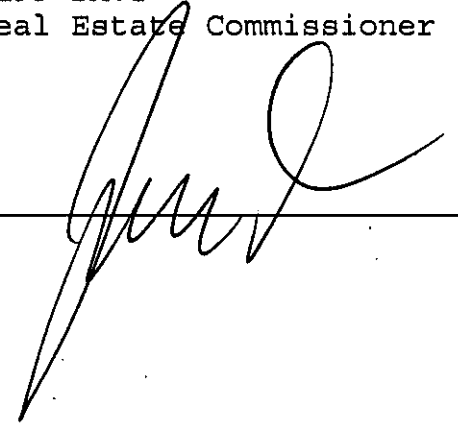
1 2. Respondent shall not be eligible to apply for the  
2 issuance of an unrestricted real estate license nor the removal  
3 of any of the conditions, limitations or restrictions attaching  
4 to the restricted license until two years have elapsed from the  
5 date of issuance of the restricted license to Respondent.

6 This Decision shall become effective at 12 o'clock noon  
7 on April 5, 2007.

8 IT IS SO ORDERED 3/13, 2007.

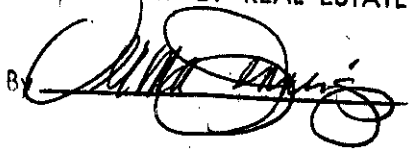
9 JEFF DAVI  
10 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	
WALTER ANDREW STYCK,	No. H-32806 LA
Respondent.	L-2006060696

NOTICE

TO: WALTER ANDREW STYCK, Respondent, and DAVID K. WHITTINGHAM, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated September 20, 2006, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated September 20, 2006, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on August 21,

///





BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

WALTER ANDREW STYCK,

Respondent.

Case No. H-32806 LA

OAH No. L2006060696

**PROPOSED DECISION**

This matter was heard by Mark E. Harman, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on August 21, 2006.

Maria Suarez, complainant, was represented by James R. Peel, counsel for the Department of Real Estate (Department).

Walter Andrew Styck (Respondent) was represented by David K. Whittingham, Attorney at Law.

Oral and documentary evidence was received. The record was closed and the matter was submitted on August 21, 2006.

**FACTUAL FINDINGS**

1. The Statement of Issues, dated April 13, 2006, was made by Maria Suarez, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity.
2. On April 18, 2005, Respondent filed a written application with the Department for a real estate broker license. The application was denied and this matter ensued.
3. Respondent has held a restricted real estate salesperson license for almost six years. This license was issued by the Department pursuant to a stipulation and order in Department case no. H-28734 LA, which was effective October 23, 2000.
4. On June 4, 1989, in the Municipal Court of Los Angeles, San Pedro Judicial District, County of Los Angeles, State of California, in case no. 89S01374, Respondent was convicted, upon his plea of guilty, of violating Penal Code section 148.9 (false identification to an officer), a misdemeanor involving moral turpitude and which is substantially related to

qualifications, functions and duties of a real estate salesperson. Respondent was placed on probation for 24 months under certain conditions, including incarceration for five days and payment of a fine in the sum of \$150.

5. On April 20, 1989, in the Municipal Court of South Bay Judicial District, County of Los Angeles, State of California, in case no. 89M00207, Respondent was convicted, upon his plea of guilty, of violating Health and Safety Code section 11377, subdivision (a)(possession of a controlled substance), a misdemeanor. On the same date, in the same court (but a different division), in case no. 89M0795, Respondent was convicted of violating Health and Safety Code section 11377, subdivision (a)(possession of a controlled substance), a misdemeanor. At the time of these convictions, Respondent admitted to a probation officer that he had extensively used narcotics for "the past eight years." In both cases, imposition of sentence was suspended and Respondent was placed on summary probation for two years under certain conditions, including incarceration for 30 days and payment of fines in the sum of \$588.

6. On May 1, 1990, in the Superior Court of California for the County of Los Angeles, in case no. YA001862, Respondent was convicted of violating Health and Safety Code section 11377, subdivision (a)(possession of a controlled substance), a misdemeanor. Respondent was granted probation for three years, after serving 22 days in county jail.

7. On April 7, 1995, in the Superior Court of California for the County of Los Angeles (West District), in case no. SA020076, Respondent was convicted, upon his plea of nolo contendere, of violating Health and Safety Code section 11378 (possession of a controlled substances for sale), a felony crime which involves moral turpitude. Imposition of sentence was suspended, and Respondent was placed on summary probation for three years under certain conditions, including incarceration for 12 months, with credit for 195 days, and payment of a restitution fine in the sum of \$200.

8. Respondent testified at the administrative hearing. He said that, after his father died suddenly when Respondent was 14 years old, he started dabbling in drug use, which led to full blown addiction. In 1995, he was trying "to separate himself from people using on a regular basis," and had moved into a hotel room, where he was caught by police with a sizable amount of cocaine. He served six months in "the hole" in county jail. During this period of sobriety, he decided to quit using for good. After his release, his friends tempted him to use again, but he refused. He has been sober for 11 years and has had no contact with his prior associates. Respondent has completed all probation requirements, including payment of all fines.

9. Although raised in the Christian church as a youth, he did not attend regularly until after his 1995 conviction. He now regularly attends. On holidays, he has delivered food, clothing and other items to those in need. He met his wife at church in 1999, and they have a stable family life. He has a five year old daughter. He has attended meetings of Celebrate Recovery, a group of his church, which helps members to deal with addictions, as well as other small groups of church members.

10. After his incarceration, Respondent worked in the computer field, for a while as a representative for IBM where he also trained others. Respondent was a loan officer for the past five years, first with Park Place Funding & Real Estate Services. There, he was a top sales agent in volume (over 300 loans). He was promoted to general manager, overseeing the loan activities of as many as 50 people, and later, to vice president for sales and marketing. His current employer is Purpose Funding, where he trains new sales agents.

11. Three of Respondent's friends and colleagues testified at the administrative hearing. Michael David Blankenship, Senior Pastor of Lawndale Christian Church, and a lifelong friend of Respondent, said he knew Respondent before his drug problems, and later, when Respondent contacted him in 1995 or 1996 about going back to church. He said he has "talked to Respondent about everything." He does not have any reservations regarding Respondent's success overcoming his drug use. He said he trusts Respondent.

12. William Eugene Goocher (Goocher) is a licensed real estate broker who has known Respondent for four years. Goocher owns his own company doing business as Purpose Funding, located in Mission Viejo, California, which employs between 20 and 25 agents, including Respondent. Goocher credits Respondent with teaching him the loan business. Goocher has no reservations about Respondent, and believes he is stable and honest.

13. Kenneth Arthur Tylar (Tylar) went to junior high school in Lawndale, where he and Respondent were best friends. Tylar is a licensed real estate salesperson in the loan business. Tylar said that after Respondent's father died, Respondent got into hanging out with the wrong crowd. He said that he, himself, went to Alcoholics Anonymous and has been sober for over 13 years. Respondent helped Tylar to start a career in mortgage lending, after years of working as a manager at Home Depot. Tylar, who is a sales agent for Purpose Funding, has no reservations about Respondent's ability to remain sober.

### LEGAL CONCLUSIONS

Based upon the foregoing factual findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists to deny Respondent's application for a real estate broker license pursuant to Business and Professions Code<sup>1</sup> section 10177, subdivision (b), for conviction of a felony. Respondent's 1995 conviction involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate broker. Factual finding number 7.

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<sup>1</sup> All statutory references are to the Business and Professions Code, unless specified otherwise.

2. Cause does not exist to deny Respondent's application for a real estate broker license pursuant to Business and Professions Code section 480, subdivision (a)(1). A recent appellate court opinion held that a related statute, section 490, standing alone, does not provide independent statutory authority under which the Department may suspend or revoke a license issued by the Department. (*Petropoulos v. Department of Real Estate* (Aug. 30, 2006, A110536) [2006 Cal.App.Lexis 1318, 31] ["section 490 does not provide independent statutory authorization for DRE to suspend or revoke the license of a person based on his or her conviction of a crime. Only section 10177, subdivision (b) grants DRE that authority".]) In its opinion, the appellate court construed several provisions of Division 1.5 of the Business and Professions Code, entitled "Denial, Suspension and Revocation of Licenses," which includes sections 490 and 480. The Court concluded that, by enacting Division 1.5, the Legislature intended to limit the discretion of all state boards and commissions that operate under the Business and Professions Code, some of which up to that point had applied licensing statutes in "an unreasonable and discriminatory manner to punish individual for past crimes, without regard to the relevance of the crime to the licensed activity." (*Petropoulos v. Department of Real Estate, supra*, at pp. 17, 18.)

The appellate court's conclusion regarding the application of section 490 in relation to the various licensing laws must be equally true with regard to section 480, subdivision (a)(1) and its application. The language and purpose of section 480, subdivision (a)(1) and section 490 are nearly identical. Both refer to, and restrict, regulatory actions that are taken against a person based on the person's conviction of a crime. The Department routinely has applied section 480, subdivision (a)(1), as a separate and independent ground for the denial of a license application, just as it has attempted to do under section 490. The court's analysis of the legislative history strongly suggests that section 480, as well as section 490, was intended to prohibit agencies from taking administrative action against a license applicant on the basis of convictions for crimes that have no bearing on the person's fitness to practice his or her profession. The court's holding with regard to section 490, likewise suggests neither 480, nor any other provision of Division 1.5, provide an independent ground for regulatory action.

3. Criteria have been developed by the Department pursuant to Business and Professions Code section 482, subdivision (a), for the purpose of evaluating the rehabilitation of a license applicant in considering whether to grant or deny the issuance of the license on account of a crime committed by the applicant. (Cal. Code Regs., tit. 10, § 2911.) Respondent meets nearly every criterion: It has been more than 11 years since his conviction (subd. (a)); although he has not had his conviction expunged (subd. (c)), he has completed criminal probation (subd. (e)), paid the criminal fines (subd. (g)), discontinued his association with persons who continued to use drugs (subd. (m)), has a stable family life (subd. (h)), and has abstained from drug use for 11 years (subd. (f)). He has been involved with missions at his church and regularly attends services (subd. (i)). He has demonstrated, through his own testimony and those of his friends and colleagues, that he is serious about advancing his career goals and not returning to jail (subd. (n)). Factual finding numbers 8 through 13.

4. The issue in this case is whether Respondent has established that he is fit to hold a real estate broker license. Respondent has worked for five years as a salesperson and as a supervisor/trainer of other sales agents, with no record of any problem. He has demonstrated success in overcoming the problems associated with his criminal convictions. Allowing Respondent to become a licensed broker does not appear to pose a risk to the public interest.

ORDER

*not adopted*  
The statement of issues filed against the application of Respondent, Walter Andrew Styck, for a real estate broker license, is dismissed. Respondent is entitled to a real estate broker license if he has paid all fees and complied with all other licensure requirements.

DATED: *September 20, 2006*



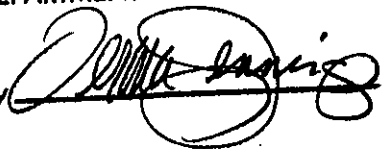
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MARK E. HARMAN  
Administrative Law Judge  
Office of Administrative Hearings

5/10/06  
file

FILED  
MAY - 9 2006  
DEPARTMENT OF REAL ESTATE

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Ste. 350  
4 Los Angeles, California 90013-1105  
5  
6  
7  
8 Telephone: (213) 576-6982  
9 -or- (213) 576-6913 (Direct)

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of ) No. H-32806 LA  
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13 WALTER ANDREW STYCK, ) STATEMENT OF ISSUES  
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16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against WALTER ANDREW STYCK (Respondent) is informed and alleges  
19 in her official capacity as follows:

20 I

21 On or about April 18, 2005, Respondent applied to the  
22 Department of Real Estate of the State of California for a real  
23 estate broker license.

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II

Respondent is currently licensed by the Department of Real Estate as a restricted real estate salesperson as of November 22, 2000, as a result of the decision in case No. H-28734 LA, effective October 23, 2000.

III

On or about April 7, 1995, in the Superior Court, County of Los Angeles, State of California, Respondent was convicted of violating Health and Safety Code Section 11378 (possess controlled substance for sale).

IV

On or about May 1, 1990, in the Superior Court of California for the County of Los Angeles, Respondent was convicted of violating Health and Safety Code Section 11377(a) (possess controlled substance).

V

On or about April 20, 1989, in the Superior Court of California for the County of Los Angeles, case no, 89M00795, Respondent was convicted of violating Health and Safety Code Section 11377(a) (possess controlled substance).

VI

On or about April 20, 1989, in the Municipal Court of California for the County of Los Angeles, case no. 89M00207, Respondent was convicted of violating Health and Safety Code Section 11377(a) (possess controlled substance).

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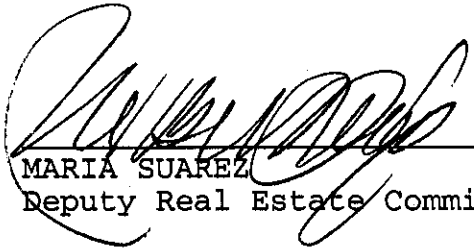




1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of, a real estate salesperson  
5 license to Respondent WALTER ANDREW STYCK and for such other and  
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California,

8 this 19<sup>th</sup> day of April 2006.

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10   
11 MARIA SUAREZ  
12 Deputy Real Estate Commissioner  
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19 cc: Walter Andrew Styck  
20 Maria Suarez  
21 Sacto.  
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