

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6982
5 (213) 576-6914

FILED
JUNE 20, 2008
DEPARTMENT OF REAL ESTATE

By C. Ben

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RICHARD D. CONSTANTINE,) NO. H-34764 LA
13)
14 Respondent.) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between RICHARD D.
16 CONSTANTINE ("Respondent") and the Complainant, acting by and
17 through Lissete Garcia, Counsel for the Department of Real
18 Estate, as follows for the purpose of settling and disposing of
19 the Accusation filed on March 25, 2008, in this matter:

20
21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act ("APA"), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement ("Stipulation").

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On March 25, 2008, Respondent was served with a
6 Notice of Defense pursuant to Section 11506 of the Government
7 Code for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent hereby freely and voluntarily
9 waives said Notice of Defense. Respondent acknowledges that he
10 understands that by waiving said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove
12 the allegations in the Accusation at a contested hearing held
13 in accordance with the provisions of the APA and that he will
14 waive other rights afforded to him in connection with the
15 hearing such as the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.
18

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation filed in this
21 proceeding. In the interest of expedience and economy,
22 Respondent chooses not to contest these factual allegations, but
23 to remain silent and understands that, as a result thereof,
24 these factual statements, will serve as a prima facie basis for
25 the disciplinary action stipulated to herein. The Real Estate
26 Commissioner shall not be required to provide further evidence
27 to prove such allegations.

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation as his Decision in
3 this matter thereby imposing the penalty and sanctions on
4 Respondent's real estate license and license rights as set forth
5 in the below "Order". In the event that the Commissioner in his
6 discretion does not adopt the Stipulation, the Stipulation shall
7 be void and of no effect, and Respondent shall retain the right
8 to a hearing on the Accusation under all the provisions of the
9 APA and shall not be bound by any stipulation or waiver made
10 herein.

11 6. The Order or any subsequent Order of the Real
12 Estate Commissioner made pursuant to this Stipulation shall not
13 constitute an estoppel, merger or bar to any further
14 administrative or civil proceedings by the Department of Real
15 Estate with respect to any conduct which was not specifically
16 alleged to be causes for accusation in this proceeding.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations, admissions
19 and waivers and solely for the purpose of settlement of the
20 pending Accusation without a hearing, it is stipulated and
21 agreed that the following determination of issues shall be made:

22 The conduct of Respondent as set forth in the
23 Accusation constitutes cause for the suspension or revocation
24 of all the real estate licenses and license rights of
25 Respondent RICHARD D. CONSTANTINE under the provisions of
26 Sections 490 and 10177(b) of the Business and Professions Code.
27

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent
RICHARD D. CONSTANTINE under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson 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 of Real Estate
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

1 Estate Commissioner, or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions
6 of a restricted license until two (2) years have elapsed from
7 the date of issuance of the restricted license to Respondent.

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Department of Real Estate which shall certify:

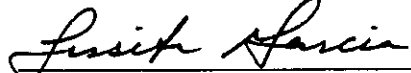
13 (a) That the employing broker has read the
14 Decision of the Commissioner which granted the right to a
15 restricted license; and

16 (b) That the employing broker will exercise
17 close supervision over the performance by the restricted
18 licensee relating to activities for which a real estate license
19 is required.
20

21 5. Respondent shall, within nine months from the
22 effective date of this Decision, present evidence satisfactory
23 to the Real Estate Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate
25 license, taken and successfully completed the continuing
26 education requirements of Article 2.5 of Chapter 3 of the Real
27 Estate Law for renewal of a real estate license. If Respondent

1 fails to satisfy this condition, the Commissioner may order the
2 suspension of the restricted license until the Respondent
3 presents such evidence. The Commissioner shall afford
4 Respondent the opportunity for a hearing pursuant to the
5 Administrative Procedure Act to present such evidence.

6 DATED: 6/4/08


LISSETE GARCIA
Counsel for the Department of
Real Estate

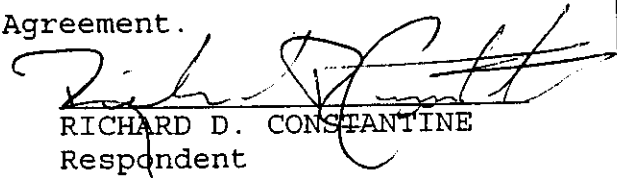
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8
9 * * *

10 I have read the Stipulation and Agreement and its
11 terms are understood by me and are agreeable and acceptable to
12 me. I understand that I am waiving rights given to me by the
13 California Administrative Procedure Act (including but not
14 limited to Sections 11506, 11508, 11509 and 11513 of the
15 Government Code), and I willingly, intelligently and voluntarily
16 waive those rights, including the right of requiring the
17 Commissioner to prove the allegations in the Accusation at a
18 hearing at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and
20 mitigation of the charges.
21

22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of the signature page, as actually signed by Respondent,
25 to the Department at the following fax number: (213) 576-6917.
26 Respondent agrees, acknowledges and understands that by
27 electronically sending to the Department a fax copy of his

1 actual signature as it appears on the Stipulation and Agreement,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Agreement.

5 DATED: 5-25-08

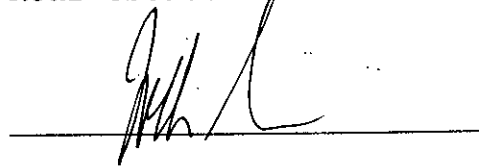

RICHARD D. CONSTANTINE
Respondent

7 * * *

8 The foregoing Stipulation and Agreement is hereby
9 adopted as my Decision in this matter, and shall become
10 effective at 12 o'clock noon on JULY 10, 2008.

11 IT IS SO ORDERED 6-17-08

13 JEFF DAVI
14 Real Estate Commissioner

15 
16

LISSETE GARCIA, Counsel (SBN 211552)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

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(Direct) (213) 576-6914

FILED
March 25, 2008
DEPARTMENT OF REAL ESTATE

By C-2

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-34764 LA
)
RICHARD D. CONSTANTINE,) A C C U S A T I O N
)
Respondent.)
_____)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against RICHARD D. CONSTANTINE ("Respondent"), is informed and
alleges in her official capacity as follows:

I

At all times herein mentioned, Respondent was and is
presently licensed by the Department of Real Estate of the State
of California ("Department") as a real estate salesperson under
the Real Estate Law, Part 1 of Division 4 of the California
Business and Professions Code ("Code").

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II

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2 Pursuant to the provisions of Code Section 10153.3,
3 Respondent was originally licensed as a salesperson with the
4 Department on or about May 1, 2000. Respondent's license shall
5 expire on April 30, 2008. Respondent has renewal rights under
6 Code Section 10201. The Department retains jurisdiction
7 pursuant Code Section 10103.

8
9 III

10 On or about September 12, 2006, in the Superior Court
11 of California, County of Orange, North Justice Center, in Case
12 No. 05NM14620, Respondent pled guilty to and was convicted of
13 violating Vehicle Code Section 10852 (willfully and unlawfully
14 tamper or injure a vehicle), a misdemeanor. The underlying
15 facts of said crime involve moral turpitude and bear a
16 substantial relationship under Section 2910, Title 10, Chapter
17 6, California Code of Regulations, to the qualifications,
18 functions or duties of a real estate licensee.

19 IV

20 IN AGGRAVATION

21 In aggravation, on or about June 13, 2006, in the
22 Superior Court of California, County of Orange, North Justice
23 Center, in Case No. 06NM03718, Respondent pled guilty to and was
24 convicted of violating Penal Code Section 647(f) (public
25 intoxication), a misdemeanor.

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27 ///

1
2 The crime of which Respondent was convicted, as
3 alleged in Paragraph III above, constitutes cause under Code
4 Sections 490 and 10177(b) for the suspension or revocation of
5 all licenses and license rights of Respondent under the Real
6 Estate Law.

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and, that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against all licenses and/or license rights of Respondent,
11 RICHARD D. CONSTANTINE, under the Real Estate Law (Part 1 of
12 Division 4 of the Business and Professions Code) and for such
13 other and further relief as may be proper under other applicable
14 provisions of law.

15 Dated at Los Angeles, California

16 this 18th day of March, 2008.
17

18
19
20 
21 Deputy Real Estate Commissioner
22
23

24 cc: Richard D. Constantine
25 Sacto.
26 Maria Suarez
27