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**FILED**  
FEB. 19, 2009  
DEPARTMENT OF REAL ESTATE

By CA

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

No. H-35279 LA

BARRY B. WEISS,

L-2008110590

Respondent.

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On September 5, 2008, an Accusation was filed in this matter against Respondent BARRY B. WEISS.

On February 3, 2009, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent BARRY B. WEISS' petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated February 3, 2009

1 (attached as Exhibit "A" hereto). Respondent's license  
2 certificate and pocket card shall be sent to the below listed  
3 address so that they reach the Department on or before the  
4 effective date of this Order:

5 Department of Real Estate  
6 Attn: Licensing Flag Section  
7 P.O. Box 187000  
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon  
10 on March 11, 2009.

11 DATED: 2/11/09.

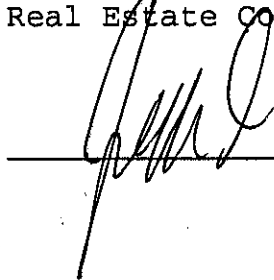
12 JEFF DAYI  
13 Real Estate Commissioner  
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Exhibit "A".

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
BARRY B. WEISS,  
Respondent.

) DRE No. H-35279 LA  
)  
) OAH No. L-2008110590  
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DECLARATION

My name is BARRY B. WEISS, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by Mary E. Work, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my  
2 license, I may be relicensed as a broker or as a salesperson only  
3 by petitioning for reinstatement pursuant to Section 11522 of the  
4 Government Code. I also understand that by so voluntarily  
5 surrendering my license, I agree to the following:

6 1. The filing of this Declaration shall be deemed as  
7 my petition for voluntary surrender.

8 2. It shall also be deemed to be an understanding and  
9 agreement by me that I waive all rights I have to require the  
10 Commissioner to prove the allegations contained in the Accusation  
11 filed in this matter at a hearing held in accordance with the  
12 provisions of the Administrative Procedure Act (Government Code  
13 Sections 11400 et seq.), and that I also waive other rights  
14 afforded to me in connection with the hearing such as the right  
15 to discovery, the right to present evidence in defense of the  
16 allegations in the Accusation and the right to cross-examine  
17 witnesses.

18 3. I further agree that upon acceptance by the  
19 Commissioner, as evidenced by an appropriate order, all  
20 affidavits and all relevant evidence obtained by the Department  
21 in this matter prior to the Commissioner's acceptance, and all  
22 allegations contained in the Accusation filed in the Department  
23 Case No. H-35279 LA, may be considered by the Department to be  
24 true and correct for the purpose of deciding whether to grant  
25 relicensure or reinstatement pursuant to Government Code  
26 Section 11522.

27

4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on \_\_\_\_\_, 2009, at \_\_\_\_\_, California.

**BARRY B. WEISS**

FEB-03-2009 17:08 From:

To: 3105468107

P.5/5

02/03/2009 16:23 3105468107

MWORKESQ

PAGE 04/04

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FAX NO.

P. 05/05

1 4. I freely and voluntarily surrender all my licenses  
2 and license rights under the Real Estate Law.

3 I declare under penalty of perjury under the laws of  
4 the State of California that the above is true and correct and  
5 that this declaration was executed on FEBRUARY 3, 2009,  
6 at STUDIO CITY, California.

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BARRY B. WEISS

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

Telephone: (213) 576-6982  
(Direct) (213) 576-6914

**FILED**  
SEPT. 5, 2008  
DEPARTMENT OF REAL ESTATE

By A. B.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-35279 LA  
)  
BARRY B. WEISS, ) 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 BARRY B. WEISS, aka Barry Blaine Weiss ("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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1 II

2 Pursuant to the provisions of Code Section 10153.3,  
3 Respondent was originally licensed as a salesperson with the  
4 Department on July 22, 1996.

5 CONVICTIONS

6 III

7 On or about March 6, 2007, in the Superior Court of  
8 California, County of Los Angeles, Case No. 6BR04495, Respondent  
9 was convicted of violating Penal Code Section 459 (burglary), a  
10 misdemeanor. Said crime involves moral turpitude and bears a  
11 substantial relationship under Section 2910, Title 10,  
12 Chapter 6, California Code of Regulations, to the  
13 qualifications, functions or duties of a real estate licensee.

14 IN AGGRAVATION

15 IV

16 On or about January 11, 2005, in the Superior of  
17 California, County of Los Angeles, Case No. 4VN02597, as part of  
18 a plea agreement, Respondent pled nolo contendere to and was  
19 convicted of violating Vehicle Code Section 23103 (reckless  
20 driving/alcohol involved/no injury), a misdemeanor.

21 V

22 On or about March 25, 1996, in the Superior Court of  
23 California, County of Los Angeles, Case No. 95P10656, Respondent  
24 was convicted of violating Penal Code Section 242 (battery), a  
25 misdemeanor.

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VI

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

FAILURE TO DISCLOSE CONVICTION ON RENEWAL APPLICATION

VII

On or about April 21, 2008, Respondent made application for renewal of his real estate salesperson license with the Department. In response to Question No. 3 on Respondent's salesperson renewal application, to wit: "WITHIN THE PAST FOUR YEAR PERIOD, HAVE YOU BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED, HOWEVER, YOU MAY ONLY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent marked the answer box denoting "No", and failed to reveal the convictions described above in Paragraphs III and IV.

VIII

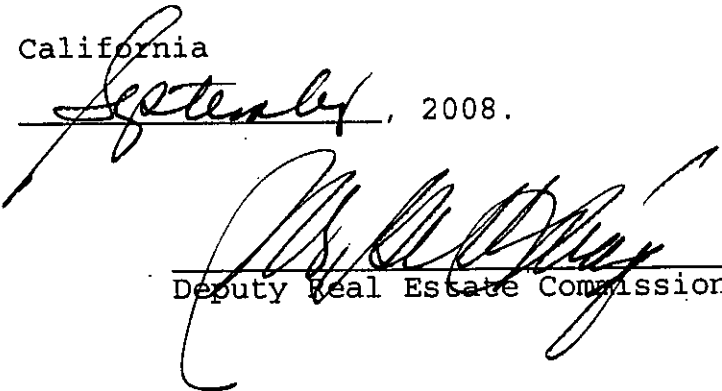
Respondent's failure to reveal the conviction against him as set forth in Paragraph III above, constitutes the procurement, or attempt to procure, a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact, knowing misrepresentation of a material fact, or by knowingly omitting to state a material fact, in his application, which constitutes cause under Code Sections 498

1 and/or 10177(a) for the suspension or revocation of Respondent's  
2 license and license rights of under the Real Estate Law.

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

11 Dated at Los Angeles, California

12 this 3rd day of September, 2008.

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16 Deputy Real Estate Commissioner  
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24 cc: Barry B. Weiss  
25 Forward Studio City, Inc.  
26 Maria Suarez  
27 Sacto.