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FILED

MAR 22 2018

BUREAU OF REAL ESTATE

By *[Signature]*

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**BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of

STEVE CARTER,

Respondent(s).

) CalBRE NO. H-40652 LA

) OAH NO. 2017070190

**ORDER NUNC PRO TUNC
CORRECTING CLERICAL ERROR**

It having been called to the attention of the Real Estate Commissioner that there was a clerical error in the Order filed on March 14, 2018, in the above-entitled matter to become effective March 13, 2018, and good cause appearing therefor, the following correction is made to the Order pursuant to California Government Code section 11517(c)(2): on page 4, line 19, "This Order is effective immediately" should state "This Order shall become effective on April 13, 2018".

IT IS SO ORDERED March 21, 2018

**WAYNE S. BELL
REAL ESTATE COMMISSIONER**

By: *[Signature]*
**DANIEL J. SANDRI
Chief Deputy Commissioner**

Seth

FILED

MAR 14 2018

BUREAU OF REAL ESTATE

By 

1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 STEVE CARTER,

13 Respondent.

H-40652 LA

2017070190

STIPULATION AND AGREEMENT
AND DECISION AFTER REJECTION

14
15 The California Bureau of Real Estate ("Bureau") filed an Accusation against STEVE
16 CARTER ("Respondent") on May 25, 2017. On November 2, 2017, a hearing was held before
17 Nana Chin, Administrative Law Judge ("ALJ"), Office of Administrative Hearings, at Los Angeles,
18 California. Bureau Counsel, James R. Peel, represented the Complainant. Respondent personally
19 appeared at the hearing and was represented by Seth Weinstein, Esq. Oral and documentary
20 evidence was received, and the matter was submitted.

21 On December 1, 2017, the ALJ issued a Proposed Decision, finding that although cause
22 exists for revocation of Respondent's real estate broker license, the evidence of rehabilitation was
23 sufficient so that the public interest would adequately be protected by the granting of a restricted
24 real estate salesperson license.

25 On January 4, 2018, the Commissioner rejected the Proposed Decision of December 1,
26 2017.

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The parties wish to settle this matter without further proceedings.

It is hereby stipulated by and between Respondent and the Bureau, acting by and through James R. Peel, as follows for the purpose of settling and disposing of the Accusation filed by the Bureau.

I, STEVE CARTER ("Respondent") do hereby affirm that I am licensed as a real estate broker by the Bureau of Real Estate.

I acknowledge that by entering into this Stipulation and Agreement, I am stipulating that the Real Estate Commissioner ("Commissioner") has found grounds that justify discipline of my broker license pursuant to Section 10177(b) of the Business and Professions Code.

All licenses and licensing rights of Respondent 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 Code if Respondent makes application therefore and pays to the Bureau the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code.

1. The restricted license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Commissioner may by appropriate order suspend the right to exercise any privileges granted under the restricted license in the event of:
 - a. Respondent's conviction (including a plea of nolo contendere) of a crime that bears a substantial relationship 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 Commissioner, or conditions attaching to the restricted license.

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

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

11 (a) That the employing broker has read the Decision which granted the right to a
12 restricted license; and

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

15 4. Respondent shall notify the Commissioner in writing within seventy-two (72) hours of
16 any arrest by sending a certified letter to the Commissioner at the Bureau of Real
17 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set
18 forth the date of Respondent's arrest, the crime for which Respondent was arrested, and
19 the name and address of the arresting law enforcement agency. Respondent's failure to
20 timely file written notice shall constitute an independent violation of the terms of the
21 restricted license and shall be grounds for the suspension or revocation of that license.

22 3-13-18
23 Dated

24 James R. Peel
25 James R. Peel, Counsel
26 Bureau of Real Estate

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Respondent has read this Stipulation and Agreement, and its terms are understood by Respondent and are agreeable and acceptable to Respondent.

Respondent shall send a hard copy of the original signed Stipulation and Agreement to James R. Peol, Bureau of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California 90013.

3-13-18
Dated


STEVE CARTER, Respondent

03-13-2018
Dated


SETH WEINSTEIN, Counsel

I have read the foregoing Stipulation and Agreement signed by Respondent. I am satisfied that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, **IT IS HEREBY ORDERED** that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Agreement.

This Order is effective immediately.

IT IS SO ORDERED _____

WAYNE S. BELL
REAL ESTATE COMMISSIONER

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Dated

STEVE CARTER, Respondent

Dated

SETH WEINSTEIN, Counsel

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This Order is effective immediately.

IT IS SO ORDERED 3/13/18

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner

FILED

FEB 14 2018

BUREAU OF REAL ESTATE

By *Al Delouis*

1 Bureau of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of

12 **STEVE CARTER,**

13 **Respondent.**

) H-40652 LA

) STIPULATION AND AGREEMENT
) AND DECISION AFTER REJECTION

14
15 The California Bureau of Real Estate ("Bureau") filed an Accusation against STEVE
16 CARTER ("Respondent") on May 25, 2017. On November 2, 2017, a hearing was held before
17 Nana Chin, Administrative Law Judge ("ALJ"), Office of Administrative Hearings, at Los Angeles,
18 California. Bureau Counsel, James R. Peel, represented the Complainant. Respondent personally
19 appeared at the hearing and was represented by Seth Weinstein, Esq. Oral and documentary
20 evidence was received, and the matter was submitted.

21 On December 1, 2017, the ALJ issued a Proposed Decision, finding that although cause
22 exists for revocation of Respondent's real estate broker license, the evidence of rehabilitation was
23 sufficient so that the public interest would adequately be protected by the granting of a restricted
24 real estate salesperson license.

25 On January 4, 2018, the Commissioner rejected the Proposed Decision of December 1,
26 2017.

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2 The parties wish to settle this matter without further proceedings.

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4 It is hereby stipulated by and between Respondent and the Bureau, acting by and through
5 James R. Peel, as follows for the purpose of settling and disposing of the Accusation filed by the
6 Bureau.

7 I, STEVE CARTER ("Respondent") do hereby affirm that I am licensed as a real estate
8 broker by the Bureau of Real Estate.

9 I acknowledge that by entering into this Stipulation and Agreement, I am stipulating that the
10 Real Estate Commissioner ("Commissioner") has found grounds that justify discipline of my
11 broker license pursuant to Section 10177(b) of the Business and Professions Code.

12 I hereby request that the Commissioner in his discretion issue a restricted real estate
13 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I
14 understand that any such restricted license will be issued subject to the provisions and limitations of
15 Sections 10156.6 and 10156.7 of the Code.

16 I agree that by signing this Stipulation and Agreement, the conditions, limitations, and
17 restrictions imposed on my restricted license, identified below, may be removed only by filing a
18 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition must
19 follow the procedures set forth in Government Code Section 11522.

20 I further understand that the restricted license issued to me shall be subject to all of the
21 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
22 restrictions imposed under authority of Section 10156.6 of the Code:

- 23 1. The restricted license shall not confer any property right in the privileges to be exercised
24 including the right of renewal, and the Commissioner may by appropriate order suspend
25 the right to exercise any privileges granted under the restricted license in the event of:
26 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
27 bears a substantial relationship to Respondent's fitness or capacity as a real estate

1 licensee; or

2 b. The receipt of evidence that Respondent has violated provisions of the California
3 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
4 conditions attaching to the restricted license.

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8 issuance of the restricted license to Respondent. Respondent shall not be eligible to
9 apply for any unrestricted licenses until all restrictions attaching to the license have
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11 3. Respondent shall submit with any application for license under an employing broker,
12 or any application for transfer to a new employing broker, a statement signed by the
13 prospective employing real estate broker on a form approved by the Bureau of Real
14 Estate which shall certify:

15 (a) That the employing broker has read the Decision which granted the right to a
16 restricted license; and

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

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24 timely file written notice shall constitute an independent violation of the terms of the
25 restricted license and shall be grounds for the suspension or revocation of that license.

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1-31-18
Dated

James R. Peel
James R. Peel, Counsel
Bureau of Real Estate

Respondent has read this Stipulation and Agreement, and its terms are understood by Respondent and are agreeable and acceptable to Respondent.

Respondent shall send a hard copy of the original signed Stipulation and Agreement to James R. Peel, Bureau of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California 90013.

1-29-18
Dated

S. Carter
STEVE CARTER, Respondent

01-30-2018
Dated

[Signature]
SETH WEINSTEIN, Counsel

I have read the foregoing Stipulation and Agreement signed by Respondent. I am satisfied that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Agreement.

This Order is effective immediately.

IT IS SO ORDERED _____

WAYNE S. BELL
REAL ESTATE COMMISSIONER

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Dated

James R. Peel, Counsel
Bureau of Real Estate

* * *

Respondent has read this Stipulation and Agreement, and its terms are understood by Respondent and are agreeable and acceptable to Respondent.

Respondent shall send a hard copy of the original signed Stipulation and Agreement to James R. Peel, Bureau of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California 90013.

Dated

STEVE CARTER, Respondent

Dated

SETH WEINSTEIN, Counsel

* * *

I have read the foregoing Stipulation and Agreement signed by Respondent. I am satisfied that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Agreement.

This Order is effective immediately.

IT IS SO ORDERED 2/8/18

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner

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JAN 17 2018

BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-40652 LA
)	
STEVE CARTER,)	OAH No. 2017070190
)	
Respondent.)	

NOTICE

TO: STEVE CARTER, Respondent, and SETH WEINSTEIN, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 1, 2017, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 1, 2017, is attached hereto 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 Thursday, November 02, 2017, and any written argument hereafter submitted on behalf of respondent and complainant.

Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of Thursday, November 02, 2017, at the Los Angeles office of the Bureau of Real Estate unless an extension of the time is granted for good

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEVE CARTER,

Respondent.

Case No. H-40652 LA

OAH No. 2017070190

PROPOSED DECISION

This matter came before Nana Chin, Administrative Law Judge (ALJ), Office of Administrative Hearings, in Los Angeles, California on November 2, 2017.

Veronica Kilpatrick (Complainant), Supervising Special Investigator, was represented by James R. Peel, Counsel for the Bureau of Real Estate (Bureau). Steve Carter (Respondent) was present and represented by Seth Weinstein, Attorney at Law.

Oral and documentary evidence was received. The Declaration of Lanikai Clouse, PsyD regarding Respondent's psychological evaluation was admitted into evidence as Exhibit A. Exhibit A contains confidential information which is protected from disclosure to the public. In order to protect Respondent's privacy and to prevent the disclosure of confidential information, the ALJ on her own motion issued a Protective Order placing the exhibit under seal after its use in preparation of the Proposed Decision. The document shall remain under seal and shall not be opened, except as provided by the Protective Order. A reviewing court, parties to this matter, their attorneys, and a government agency decision maker or designee under Government Code section 11517 may review the document subject to the Protective Order provided that such document is protected from release to the public.

The record was closed and the matter was submitted for decision on November 2, 2017.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Respondent is presently licensed as a real estate broker under the Real Estate

Law (Part 1 of Division of the Business and Professions Code¹). His license is scheduled to expire on February 15, 2019 unless renewed.

2. Complainant filed the Accusation in her official capacity as a Supervising Special Investigator for the Bureau. Respondent filed a timely Notice of Defense and this hearing ensued.

Respondent's Conviction

3. On September 8, 2016, in the Superior Court of California, County of Riverside, case number RIF 1403228, Respondent pled guilty to violating Vehicle Code section 20001, subdivision (a), (hit and run), a felony. Respondent was placed on formal probation for three years, with certain conditions, including 270 days of work release and the payment of fines, fees and restitution.

4a. The facts underlying the conviction arise from an August 2, 2014 traffic collision. The sequence of events on that date is unclear. Contradictory witness accounts of the accident were provided to the California Highway Patrol (CHP). However, all accounts indicated that Respondent had been driving on the freeway when his SUV was involved in a multi-vehicle accident which included a van and a pick-up truck. At some point, Respondent's SUV hit the van. By all accounts, Respondent left the scene of the accident, and a witness followed Respondent's vehicle and provided pictures of the SUV's license plate to police. As a result of the collision, the driver of the van sustained injuries requiring four staples in her arm.

4b. CHP sent a letter to the registered owner of the vehicle, and Respondent called CHP in response. During his call with CHP Officer Perez on September 13, 2014, Respondent admitted that he had been the driver of the SUV involved in the traffic collision. Respondent stated that he failed to stop because he did not feel it was necessary as he was not the cause of the accident. Respondent claimed that his vehicle had been damaged after the pickup truck collided with the van, causing it to hit the center divider and then hit Respondent's vehicle.

5a. At hearing, Respondent's testimony mirrored his statement to the CHP. He stated that, on the day of the collision, he had been driving behind a pickup truck when it stopped suddenly. Respondent changed lanes, and the van in front of the pickup truck careened off the center divider and into his vehicle, damaging the back rear panel of his vehicle. He did not know he was required to stop because the driver of the van appeared uninjured, and he did not believe that the accident had been his fault.

¹ All further statutory references are to the Business and Professions Code unless otherwise noted.

5h. Respondent accepted responsibility for his crime and expressed remorse for his actions. Respondent testified that he would have stopped if he had been aware that he was required to do so. Respondent is currently in compliance with the terms of his criminal probation, having paid his fees and court restitution. The driver of the van was paid restitution by Respondent's insurance company.

Prior Aggravating Factors

6a. Respondent was originally issued a real estate salesperson license on December 11, 1978. On September 19, 1996, Respondent's salesperson license was terminated, and Respondent was issued a real estate broker license.

6b. On July 2, 1998, an Accusation was filed seeking to revoke Respondent's broker license based on Respondent's February 20, 1997 conviction for violating 18 U.S.C. 371 (conspiracy to commit offense or defraud United States) and 18 U.S.C. 1010 and 2 (false statement in a Federal Housing Administration Loan (FHA) application, aiding and abetting), all felonies. On December 7, 1998, an Order was rendered accepting Respondent's petition for voluntary surrender of his broker license with an effective date of February 8, 1999.

7. The 1997 convictions were related to Respondent's actions in procuring an FHA loan for an individual he knew did not qualify for the loan based on the individual's income.

8a. On June 16, 2000, Respondent petitioned for reinstatement of his broker license. The Real Estate Commissioner denied Respondent's petition for reinstatement on January 31, 2001.

8b. On September 19, 2002, Respondent submitted a second petition for reinstatement. In an order dated January 5, 2005, the Real Estate Commissioner denied Respondent's petition for reinstatement of his broker license but granted him the right to obtain a restricted salesperson license provided certain conditions were met. Respondent was issued a restricted salesperson license on October 11, 2005.

8c. On February 16, 2011, Respondent's restricted salesperson license terminated, and Respondent was issued a broker license.

Character Witnesses

9a. Respondent's wife, Jennifer Carter, testified on Respondent behalf. Ms. Carter has been married to Respondent for approximately 29 years and has worked with her husband in the real estate business for a number of years. Together, they work at Carter and Company, an eight person office in Palm Desert. As Ms. Carter holds an exclusive lease with the Homeowners

Association (HOA) of a gated community comprised of approximately 900 condominiums, the bulk of their business involves the buying and selling of condominiums within the community. According to Ms. Carter, Respondent does not generally use his broker's license as she is the "umbrella" under which all the employees work. Respondent is a respected real estate agent in their company who has active listings and a "very happy" list of clientele.

9b. Ms. Carter testified that on the day of the incident, Respondent had come home, stating that he had been side-swiped. The SUV had damage on the back corner panel. Respondent told her that a young woman had "spun out" and hit the back corner of his vehicle. When she asked if he had stopped, Respondent told her he had not been able to stop as the freeway was under construction and as he had been the one who was hit. Though Ms. Carter advised Respondent that he was required to stop no matter who was at fault, Respondent did not go to law enforcement to report the accident. Ms. Carter testified that Respondent has been deeply distraught and remorseful for his actions following the accident that day.

10. Two long-time friends with whom Respondent has had business dealings throughout the years also testified on his behalf. Both individuals testified that they were aware of the conviction and of Respondent's deep remorse regarding the accident. They testified that they considered Respondent to be an honest and trustworthy individual and that they felt comfortable in continuing to refer individuals to him for real estate transactions.

11. Respondent also submitted a declaration from Dr. Clouse, a psychologist trained in the areas of addiction, trauma and co-occurring disorders. Respondent was referred to Dr. Clouse in connection with this matter. The declaration is primarily a summary of the information Respondent provided to Dr. Clouse regarding the traffic collision and its aftermath. Dr. Clouse provided no relevant opinions regarding this matter.

Charitable Activities

12. Respondent and his wife are involved in American Friends of our Armed Forces, a volunteer organization that provides goods and services to families of service members. In addition to their financial contributions, they also hold donation drives for the organization.

Cost Recovery

13. Complainant requested recovery of the costs of investigation and enforcement totaling \$1,326.70. In support of the request for costs, Complainant submitted a certified statement of investigation costs showing investigative costs of \$1,104.20 and a declaration regarding enforcement costs in the amount of \$222.50. These costs are reasonable in light of the allegations and evidence in this case.

LEGAL CONCLUSIONS

Standard of Proof

1. The standard of proof in an administrative hearing to revoke a professional license is "clear and convincing proof to a reasonable certainty." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) This means the burden rests with complainant to offer proof that is clear, explicit, and unequivocal, "so clear as to leave no substantial doubt" and "sufficiently strong to command the unhesitating assent of every reasonable mind." (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487; citations omitted.)

Statutory Authority

2. Code section 10177, subdivision (b), in conjunction with section 490, provides the Real Estate Commissioner with authority to suspend or revoke a real estate license when the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of a real estate licensee.

3. A crime is substantially related to the qualifications, functions, or duties of a real estate salesperson's license if it involves "[d]oing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another." (Cal. Code Regs., tit. 10² (CCR), § 2910, subd. (a)(8).)

4. Vehicle Code section 20001, subdivision (a), requires that "[t]he driver of a vehicle involved in an accident resulting in injury to a person, other than himself or herself, or in the death of a person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004."

5. Vehicle Code section 20003 requires drivers involved in an accident resulting in injury to not only exchange information but also requires the driver to "render to any person injured in the accident reasonable assistance, including transporting, or making arrangements for transporting, any injured person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if that transportation is requested by any injured person."

6. Applying CCR § 2910 to the facts here, Respondent's felony conviction for violating Vehicle Code section 20001, is a substantially related conviction in that

² All references to a regulation are to California Code of Regulations, title 10, unless otherwise noted.

Respondent's failure to stop and to ensure that individuals involved in the collision were provided with medical assistance was an unlawful action which could have resulted in substantial physical injury. By reason of Factual Findings 3, 4 and 5 and Legal Conclusions 2 through 5, cause exists to revoke or discipline Respondent's license pursuant to Code section 10177, subdivision (b), in conjunction with section 490.

Mitigation/Rehabilitation

7. As it was established that Respondent has been convicted of a substantially related crime, the onus is on Respondent to show that he is sufficiently rehabilitated from the wrongful act such that he is fit to hold the license. (Evid. Code, § 500.)

8. In issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Camacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Clerici v. Dept. of Motor Vehicles* (1990) 224 Cal.App.3d, 1016, 1030-1031.) The purpose of proceedings of this type is not to punish respondent. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476.)

9. CCR § 2912 lists criteria developed by the Bureau to evaluate the rehabilitation of a licensee following the licensee's conviction of a crime. The criteria are as follows:

(a) The time that has elapsed since commission of the act(s) or offense(s):

(1) The passage of less than two years after the most recent criminal conviction or act of the licensee that is a cause of action in the Bureau's Accusation against the licensee is inadequate to demonstrate rehabilitation.

(2) Notwithstanding subdivision (a)(1), above, the two year period may be increased based upon consideration of the following:

(A) The nature and severity of the crime(s) and/or act(s) committed by the licensee.

- (B) The licensee's history of criminal convictions and/or license discipline that are "substantially related" to the qualifications, functions, or duties of a real estate licensee.
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the licensee, or escheat to the State of these monies or other properties if the victim(s) cannot be located.
 - (c) Expungement of the conviction(s) which culminated in the administrative proceeding to take disciplinary action.
 - (d) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.
 - (e) Successful completion or early discharge from probation or parole.
 - (f) Abstinence from the use of controlled substances and/or alcohol for not less than two years if the criminal conviction was attributable in part to the use of a controlled substance and/or alcohol.
 - (g) Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the license.
 - (h) Correction of business practices responsible in some degree for the crime or crimes of which the licensee was convicted.
 - (i) New and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal conviction or convictions in question.
 - (j) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction.
 - (k) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
 - (l) Significant and conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.

(m) Change in attitude from that which existed at the time of the commission of the criminal acts in question as evidenced by any or all of the following:

(1) Testimony and/or other evidence of rehabilitation submitted by the licensee.

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

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

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

(5) Absence of subsequent felony convictions, misdemeanor convictions, or other conduct that provides grounds to discipline a real estate licensee, which reflect an inability to conform to societal rules when considered in light of the conduct in question.

10. Respondent has complied with many of the applicable regulatory criteria for rehabilitation. Restitution has been made to the injured driver of the van through his insurance, and Respondent has also paid all the fines and fees assessed by the court in connection with his conviction. Respondent demonstrated stability in his home life and has made active contributions to AFAF, a community program designed to provide social benefits. Respondent also presented evidence in form of character witnesses who all attest to Respondent's genuine remorse regarding his actions which resulted in his 2016 conviction. However, less than two years has elapsed from the date of his conviction and further, Respondent has had a prior history of license discipline.

11. Weighing these factors, Respondent has demonstrated sufficient progress toward rehabilitation following his conviction, such that protection of the public can be achieved through the issuance of a restricted license.

12. Pursuant to Business and Professions Code section 10106, the Bureau may recover its reasonable costs of investigation and enforcement of this matter in the amount of \$1,326.70, as set forth in Factual Finding 13.

ORDER

All licenses and licensing rights of Respondent Steve Carter 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 if Respondent makes application therefor and pays to the Bureau 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 and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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.

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.

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 two years have elapsed from the effective date of this Decision.

Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Bureau of Real Estate which shall certify:

(a) That the employing broker has read the Decision which granted the right to a restricted license; and

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

Respondent shall, within nine 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 pay costs of the investigation and prosecution of this matter in the amount of \$1,326.70 to the Bureau of Real Estate, in accordance with a payment plan acceptable to the Bureau.

DATED: December 1, 2017

DocuSigned by:

Nana Chin

NANA CHIN

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Administrative Law Judge
Office of Administrative Hearings