

FILED

DEC 19 2008

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

[Handwritten Signature]

In the Matter of the Accusation of)
)
 EDDIE BURNIAS,) NO. H-10540 SF
)
 Respondent.)
_____)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 3, 2008, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On October 10, 2008, E.J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondent's last known mailing address on file with the Department on October 17, 2008.

On December 3, 2008, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

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2.

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

3.

On or about May 22, 2007, in the Santa Clara County Superior Court, Respondent was convicted of two violations of Section 14601.2 of the California Vehicle Code (knowingly driving on DUI conviction related suspended license), misdemeanors involving moral turpitude and crimes which are substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

4.

On or about June 12, 2008, in the Santa Clara County Superior Court, Respondent was convicted of a violation of Section 14601.2 of the California Vehicle Code (knowingly driving on DUI conviction related suspended license), a misdemeanor and a crime which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

The findings above constitute cause for the suspension or revocation of the licenses and license rights of Respondent under Sections 490 and 10177(b) of the Code.

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

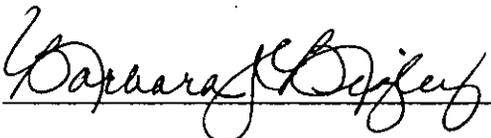
ORDER

All licenses and licensing rights of Respondent EDDIE BURNIAS under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on JAN - 9 2009

DATED: 12-12-08

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED

DEC - 3 2008.

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By L. Henry

6 BEFORE THE DEPARTMENT OF REAL ESTATE
7 STATE OF CALIFORNIA

8 * * *

10 In the Matter of the Accusation of)	Case No. H-10540 SF
)	
11 EDDIE BURNIAS,)	
)	<u>DEFAULT ORDER</u>
12 Respondent.)	
)	

14
15 Respondent, EDDIE BURNIAS, having failed to file a Notice of Defense within
16 the time required by Section 11506 of the Government Code, is now in default. It is, therefore,
17 ordered that a default be entered on the record in this matter.

18
19 IT IS SO ORDERED December 3, 2008.

20 Real Estate Commissioner

21
22 By: Charles W. Koenig
23 CHARLES W. KOENIG
24 Regional Manager

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7

FILED

OCT 17 2008

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 EDDIE BURNIAS,) H-10540 SF
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, E. J. Haberer II, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EDDIE BURNIAS (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

20 Complainant, E. J. Haberer II, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 against Respondent in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "the Code").

27 ///

1 III

2 At all times herein mentioned, from and after September
3 29, 2004, Respondent was and now is licensed by the Department of
4 Real Estate (herein "Department") as a real estate salesperson.

5 IV

6 On or about May 22, 2007, in the Superior Court of
7 the State of California, County of Santa Clara, Respondent was
8 convicted of two counts of the crime of Driving with Suspended
9 License in violation of Vehicle Code Section 14601.2(a), each a
10 misdemeanor and a crime involving moral turpitude, which bears a
11 substantial relationship under Section 2910, Title 10, California
12 Code of Regulations, to the qualifications, functions, or duties
13 of a real estate licensee.

14 V

15 On or about June 12, 2008, in the Superior Court of
16 the State of California, County of Santa Clara, Respondent was
17 convicted of the crime of Driving with Suspended License in
18 violation of Vehicle Code Section 14601.1(a), a misdemeanor and a
19 crime involving moral turpitude which bears a substantial
20 relationship under Section 2910 of the Regulations to the
21 qualifications, functions or duties of a real estate licensee.

22 VI

23 The crimes for which Respondent was convicted as
24 described in Paragraphs IV through V, above, constitute cause
25 under Sections 490 and 10177(b) of the Code for suspension or
26 revocation of all licenses and license rights of Respondent under
27 the Real Estate Law.

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a Decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 under the Code, and for such other and further relief as may be
6 proper under provisions of law.

7
8 

9 _____
10 E.J. HABERER II
11 Deputy Real Estate Commissioner

12 Dated at Oakland, California
13 this 10th day of October, 2008.