DEPARTMENT OF REAL ESTATE
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FILED

JAN - 6 2010

DEPARTMENT OF REAL ESTATE

By R. Hung

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of:	DRE NO. H-10833 SF
WILLIAM BENSON PEAVEY, JR.,	BAR ORDER (B&P Code § 10087)
Respondent.	

TO: WILLIAM BENSON PEAVEY, JR., ("Respondent")
P.O. Box 5373
South San Francisco, CA 94083

Pursuant to Section 10087(b) of the California Business and Professions Code (hereinafter "the Code"), you are hereby notified of the intention of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a Bar Order pursuant to Section 10087(a) of the California Business and Professions Code.

Pursuant to the authority granted by Section 10087 of the Code, and after review and consideration of the following facts, the Commissioner makes the following:

FINDINGS OF FACT

1. On or about May 14, 2009, in the United States District Court, Northern District of California, case number 3:08-CR-00407-JSW-1, Respondent was convicted of three (3) counts of violating 18 U.S.C. 1341 and 18 U.S.C. 1346 (Mail Fraud), felonies which bear a

substantial relationship under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee and constitute grounds under Sections 490, 10177(b) 10177 (j) and 10177(k) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law. Respondent in his Plea Agreement entered into in connection with the aforementioned conviction, admits to the use of client trust funds for his personal benefit;

2. Effective August 22, 2003, before the State Bar of California, case Number 98-O-02234 and California Supreme Court case number S114035, the State Bar Court, among other findings, found that Respondent failed to report to the State Bar a civil judgment for fraud, misrepresentation and breach of fiduciary duty and was ordered suspended from the practice of law for three years, execution stayed, and placed on probation for three years subject to two years actual suspension. The allegations contained in the State Bar complaint included, but were not limited to, failure to maintain client funds in a trust account and misappropriation of trust funds; acts, which if committed by a real estate licensee in the context of the representation of real estate clients, would constitute grounds for suspension or revocation of a real estate license pursuant to the provisions of Sections 490, 10177(b) 10177 (j) and 10177(k) of the Code. Respondent's suspension by the State Bar bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

3. On or about August 7, 2009, Respondent petitioned the Department seeking to surrender his real estate broker license with charges pending in Department of Real Estate Case Number H-10729 SF. Contained within Respondent's petition was Respondent's agreement that the Department may consider the allegations contained in the Accusation filed in case number H-10729 SF to be true and correct for the purpose of deciding whether to grant relicensure or to reinstate Respondent's real estate license.

4. On or about August 27, 2009, the Commissioner's Order accepting Respondent's surrender of his real estate broker license, signed on August 17, 2009 and with

an effective date of September 14, 2009, was filed within the Department's records with a copy of same served upon Respondent.

CONCLUSIONS OF LAW

Based on the findings set forth above, the Commissioner has determined that:

(A) A Bar Order is in the public interest;

(B) Respondent has knowingly committed violations of the Real Estate Law; and,

(C) Respondent's violations of the Real Estate Law have caused material damage to the public.

NOW, THEREFORE, IT IS ORDERED, pursuant to the authority of Sections 10086 and 10087 of the Code, WILLIAM BENSON PEAVEY, JR., is hereby barred and prohibited for a period of thirty-six (36) months from the effective date of this Bar Order, from engaging in any of the following activities in the State of California:

(A) Holding any position of employment, management, or control in a real estate business;

(B) Participating in any business activity of a real estate salesperson or a real estate broker;

(C) Engaging in any real estate related business activity on the premises where a real estate salesperson or real estate broker is conducting business; and, Participating in any real estate related business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company.

NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

Pursuant to Section 10087 of the Code, you have the right to request a hearing under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section 11400 of the Government Code). If you desire a hearing, you must submit a written request

within fifteen (15) days after the mailing or service of this "Notice of Intention to Submit Bar Order; and Bar Order." The request may be in any form provided it is in writing, includes your current return address, and indicates that you want a hearing, is signed by you or on your behalf, and is delivered or mailed to the Department of Real Estate, P. O. Box 187007, Sacramento, California, 95818-7007, Attention Legal Section, or is delivered personally to the offices of the Department of Real Estate, 2201 Broadway, Sacramento, California.

If no hearing is requested within said fifteen (15) day time period, your failure to request a hearing shall constitute a waiver of the right to a hearing.

THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

It is so ordered on 12/12/09.

JEFF DAVI
Real Estate Commissioner