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FILED
NOV 04 2005

DEPARTMENT OF REAL ESTATE

By *Jan Armit*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-332 FR
)
JOSEPH IGNACIO SALAS, JR.,)
)
Respondent.)
_____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 2, 1978, in Case No. H-332 FR, a Decision was rendered revoking the real estate broker license of Respondent effective May 24, 1978, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on June 9, 1980, and Respondent has operated as a restricted licensee since that time.

On June 3, 2004, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would not be
6 against the public interest to issue said license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for reinstatement is granted and that a real estate
9 broker license be issued to Respondent if Respondent satisfies
10 the following conditions within nine (9) months from the date of
11 this Order:

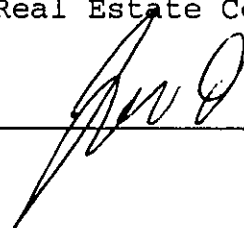
12 1. Submittal of a completed application and payment of
13 the fee for a real estate broker license.

14 2. Submittal of evidence of having, since the most
15 recent issuance of an original or renewal real estate license,
16 taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
18 for renewal of a real estate license.

19 This Order shall be effective immediately.

20 DATED: 11-3-05

21 JEFF DAVI
22 Real Estate Commissioner

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FILED
MAY 4 1978

DEPARTMENT OF REAL ESTATE

By Sondra Klein

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JOSEPH IGNACIO SALAS,)
Respondent.)

NO. H-332 FRESNO

DECISION

The above-entitled matter came on for hearing upon an Accusation before Rudolf H. Michaels, an Administrative Law Judge of the Office of Administrative Hearings, at Sacramento, California, on September 19, 1977.

The complainant was represented in the proceeding by Paul H. Werner, Counsel, Department of Real Estate. Respondent was present at the hearing and was represented by Lorenzo Edward Patino, his attorney.

Evidence was received, the matter was submitted for Decision and the hearing was closed.

On October 6, 1977, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my

1 Decision. Pursuant to Section 11517(c) of the Government Code of
2 the State of California, respondent was served with a copy of the
3 Proposed Decision and with notice of my determination to decide
4 the case upon the record including the transcript of the proceed-
5 ings held on September 19, 1977, and upon any written argument
6 offered by respondent and complainant.

7 Written argument has not been submitted on behalf of
8 either respondent or complainant.

9 I have given careful consideration to the record in this
10 case including the transcript of proceedings of September 19,
11 1977. The following shall constitute the Decision of the Real
12 Estate Commissioner in this proceeding:

13 FINDINGS OF FACT

14 I

15 Richard H. McAdoo made this Accusation in his official
16 capacity as a Deputy Real Estate Commissioner of the State of
17 California.

18 II

19 At all times herein referred to respondent was licensed
20 in his individual capacity as a real estate broker by the Depart-
21 ment of Real Estate of the State of California. Since August 19,
22 1977, respondent has also been licensed by the Department of Real
23 Estate as the qualifying individual broker for American Federal
24 Financial A Corp., a real estate brokerage corporation.

25 III

26 On August 3, 1973, respondent was convicted in the
27 Superior Court for the County of Santa Barbara of a violation of

1 Section 187 of the California Penal Code (murder, second degree).

2 IV

3 The crime referred to in Finding III above is a felony
4 and a crime involving moral turpitude.

5 V

6 The crime referred to in Finding III is one that is
7 substantially related to the qualifications, functions and duties
8 of a real estate licensee in that it involves the doing of an
9 unlawful act with the intent or threat of doing substantial injury
10 to another person.

11 VI

12 The following additional facts are found by way of
13 mitigation, aggravation or explanation:

14 A. Respondent has been a real estate licensee for more
15 than 20 years. Since 1961, he has been a broker in business for
16 himself. Prior to the homicide which led to the conviction
17 described in Finding III, respondent was a highly successful and
18 widely-respected broker in Bakersfield, California. The victim of
19 the crime was a close friend and partner of respondent.
20 Respondent killed the partner after discovering that the partner
21 had been carrying on an illicit relationship with respondent's
22 wife. Respondent was under great emotional stress at the time
23 resulting from business pressures and the discovery of the affair
24 between his wife and his partner. He had been taking tranquilizer
25 drugs under prescription by his psychiatrist and these drugs had
26 deepened the depression which the respondent was experiencing just
27 prior to his shooting of his partner.

1 B. Respondent surrendered voluntarily to authorities
2 immediately after the homicide. He was released on bond shortly
3 after his arrest. Numerous evaluations were made of respondent's
4 personality both before and after his trial. Virtually all of
5 these evaluations are to the effect that respondent was an out-
6 standing citizen and businessman before the homicide, that the
7 offense was out of character for him, that it resulted from a
8 combination of emotional and drug-produced stresses and that it is
9 most unlikely that there will ever be a repetition of this violent
10 act by respondent.

11 C. Following his conviction, respondent was committed
12 to state prison where he was evaluated for the purpose of deter-
13 mining whether he could be granted probation. Probation was
14 recommended, but not carried out immediately. Respondent was
15 incarcerated, mostly in minimum security settings, from September
16 1973 until January 1977. In January 1977, he was placed in a
17 halfway house and in April 1977 released on parole.

18 D. Respondent has resumed activities as a real estate
19 broker since his parole. He holds a valid contractors license in
20 California and has been actively involved in real estate and land
21 development in San Diego, West Covina and in Gallup, New Mexico,
22 with considerable success. Respondent is not married at this
23 time, but supports three of his five children who are living at
24 homewith their mother.

25 DETERMINATION OF ISSUES

26 I

27 Cause has been established for disciplinary action

1 against the real estate broker licenses of respondent in his
2 individual capacity and as qualifying broker for American Federal
3 Financial A Corp. under Section 10177(b) and Section 490 of the
4 Business and Professions Code.

5 II

6 The facts set forth in Finding VI have been considered
7 in determining the ORDER herein.

8 ORDER

9 1. The real estate broker license of respondent in his
10 individual capacity and that as qualifying broker for American
11 Federal Financial A. Corp. are hereby revoked.

12 2. A restricted real estate broker license shall be
13 issued to respondent pursuant to Section 10156.5 of the Business
14 and Professions Code if respondent makes application and pays the
15 fee to the Department of Real Estate within 90 days from the
16 effective date of the Decision herein.

17 3. The restricted license issued to respondent which
18 shall be subject to all of the provisions of Section 10156.7 of
19 the Business and Professions Code and to the following limitations,
20 conditions and restrictions imposed under authority of Section
21 10156.6 of said code:

22 A. Said restricted license may be suspended prior to
23 hearing by order of the Real Estate Commissioner in the event of
24 respondent's conviction or plea of nolo contendere to a crime
25 which bears a significant relation to respondent's fitness or
26 capacity as a real estate licensee.

27 B. Said restricted license may be suspended prior to

1 hearing by order of the Real Estate Commissioner on evidence
 2 satisfactory to the Commissioner that respondent has violated
 3 provisions of the California Real Estate Law, the Subdivided Lands
 4 Law, regulations of the Real Estate Commissioner or conditions
 5 attaching to this restricted license.

6 4. This Decision revokes respondent's real estate
 7 license on the ground that he has been convicted of a crime. The
 8 right to reinstatement of a revoked real estate license is con-
 9 trolled by Section 11522 of the Government Code. A copy of
 10 Section 11522 and a copy of the Commissioner's Criteria of
 11 Rehabilitation are attached hereto for the information and guidance
 12 of respondent.

13 This Decision shall become effective at 12 o'clock noon
 14 on May 24, 1978.

15 IT IS SO ORDERED 5/2, 1978.

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 17
 18 David H Fox
 19 DAVID H. FOX
 20 Real Estate Commissioner
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Flag section

FILED

NOV 2 1977
DEPARTMENT OF REAL ESTATE

By Sondra Klein

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JOSEPH IGNACIO SALAS,)
Respondent.)

NO. H-332 FRESNO
N-6381

NOTICE

TO: JOSEPH IGNACIO SALAS, Respondent
and
LORENZO EDWARD PATINO, his Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 6, 1977, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated October 6, 1977, 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 September 19, 1977, and any written argument hereafter submitted on behalf of

1 respondent and complainant.

2 Written argument of respondent to be considered by me
3 must be submitted within 15 days after receipt of the transcript
4 of the proceedings of September 19, 1977, at the Sacramento
5 office of the Department of Real Estate unless an extension of
6 the time is granted for good cause shown.

7 Written argument of complainant to be considered by me
8 must be submitted within 15 days after receipt of the argument
9 of respondent at the Sacramento office of the Department of Real
10 Estate unless an extension of the time is granted for good cause
11 shown.

12 DATED: 10/27/77

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15 David H Fox
16 DAVID H. FOX
17 Real Estate Commissioner
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
JOSEPH IGNACIO SALAS,
Respondent.

)
) NO. H-332 FRESNO
) N-6381
)

PROPOSED DECISION

This matter came on regularly for hearing before Rudolf H. Michaels, an Administrative Law Judge of the Office of Administrative Hearings, on September 19, 1977 in Sacramento, California.

The complainant was represented by Paul H. Werner, Counsel.

The respondent was present and was represented by Lorenzo Edward Patino, his attorney.

Evidence was received, the Accusation was amended, the hearing was closed and the matter was submitted.

The Administrative Law Judge makes the following

FINDINGS OF FACT

I

Richard H. McAdoo made the Accusation in his official capacity of Deputy Real Estate Commissioner of the State of California.

II

At all times material herein, respondent was, and he is now, licensed by the Department of Real Estate of the State of California as a real estate broker. Since August 19, 1977, respondent has been, and he now is, the qualifying broker for American Federal Financial A Corp.

III

On August 3, 1973, respondent was convicted in the Superior Court for the County of Santa Barbara of the crime of murder, second degree, in violation of Section 187 of the Penal Code of the State of California, a felony and a crime involving moral turpitude.

IV

It was not established, and it is found not to be true that the crime of which respondent was convicted as described in Finding III is, under the circumstances of this case, substantially related to the qualifications, functions and duties of a real estate broker.

V

Respondent has been a real estate licensee for more than 21 years. Since 1961, he has been a broker in business for himself. Up to the time of the killing which led to the conviction described in Finding III, he was a highly successful and widely respected broker in Bakersfield, California. The victim of the crime was a close friend and business partner of respondent's. The crime was occasioned by respondent's discovery that his partner had carried on an illicit relationship with respondent's wife. At the time of the offense, respondent was under great emotional stress caused by business pressures and severely depressed by the discovery of his friend's conduct. He was under the care of a psychiatrist who prescribed various drugs for respondent. As the result of respondent's indiscriminate use of the drugs, the stress increased and the killing occurred when respondent shot his victim in a parking lot where they had agreed to meet.

VI

Respondent surrendered voluntarily immediately after the killing and has never denied committing the act. He was arrested and released on bond almost at once. The case was transferred to another county and about one year elapsed between the shooting and the conviction following a jury trial. Numerous evaluations were made of respondent's personality. All agree that respondent was an outstanding citizen and businessman until he shot his partner; that he is not psychotic; that the offense was out of character for him; that it resulted from the combination of the emotional and drug-produced stresses described above; and that it is most unlikely that there would ever be a repetition of the conduct which led to respondent's conviction.

VII

In this connection, it is noted that the release on bond of a person charged with murder, the referral for release on probation, the type of custody imposed, and the comparatively short term of actual incarceration reflect a favorable attitude on the part of the authorities in control at the time and show that respondent was and is not regarded by them as a threat to society.

VIII

Following conviction, respondent was committed to state prison where he was evaluated for the purpose of determining whether the commitment should be vacated so that he might be placed on probation. Such a step was recommended but not carried out. Respondent served time in the California prison system mostly in minimum security settings from September, 1973 until January, 1977 when he was placed in a half-way house. He was released on parole in April, 1977, at which time he resumed his activities as a real estate broker. He holds a valid California Contractor's license. He is now active in San Diego, in West Covina, California and in Gallup, New Mexico, in the real estate and land development field, apparently with considerable success. He expects release from parole in February of 1978.

IX

Since his release from prison, respondent has reestablished a good reputation for himself not only in business but also socially. He is not married at this time but supports three of his five children who are still minors living at home with their mother.

DETERMINATION OF ISSUES

I

Cause was established for the revocation of respondent's license as a real estate broker under the facts contained in Finding III and Section 10177(b) of the Business and Professions Code of the State of California (hereafter referred to as the "Code").

II

Cause for the revocation or suspension of respondent's license was not established under the facts contained in Finding IV and Section 490 of the Code.

III

The facts contained in Findings V through IX were considered in the formulation of the Order.

ORDER

NOT ADOPTED

The real estate broker license held by respondent and described in Finding II is revoked, provided that the execution of this order of revocation shall be stayed for a period of five (5) years on condition that, during the five-year period of this stay, respondent shall at all times obey and comply with all federal, state and local laws and with the regulations of the Real Estate Commissioner governing his activities as a real estate broker and all conditions of any

NOT
ADOPTED

parole to which he may be subject; provided further that, should the Commissioner determine, after giving respondent notice and an opportunity to be heard, that a violation of any of the terms of this stay has occurred, the Commissioner may make the revocation ordered herein immediately effective or may otherwise modify any or all of the terms of this stay; provided further that the conviction of a crime other than a minor traffic offense, including any conviction after a plea of nolo contendere, shall be prima facie evidence of a violation of the terms of this stay; and provided further that, at the expiration of five years from the effective date hereof without a determination that a violation of any of the conditions of this stay has occurred, the stay shall become permanent.

The foregoing constitutes my proposed decision in this matter. I recommend its adoption as the decision of the Department of Real Estate of the State of California.

Dated: *October 6, 1977*

Rudolph H. Michaels

RUDOLF H. MICHAELS
Administrative Law Judge
Office of Administrative Hearings

Flag Section

FILED JUN 28 1977

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Sandra Klein

In the Matter of the Accusation of)
JOSEPH IGNACIO SALAS)
Respondent)

No. H-332 Fresno

CONTINUED
NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department
Room 101, State Office Building No. 1, 915 Capitol Mall,
of Real Estate at Sacramento, California
on the 19th day of September, 19 77, at the hour of 9:00 a.m.,
or as soon thereafter as the matter can be heard, upon the charges made in the
Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and
may be represented by counsel but you are neither required to be present at the
hearing, nor are you required to be represented by counsel. However, if you are
not present at the hearing in person, nor represented at the hearing by counsel,
the agency may take disciplinary action against you upon any express admissions,
or upon other evidence, and in the event that a notice of defense has not been
filed by you, upon affidavits, without further notice to you.

You may present any relevant evidence, and will be given full opportunity
to cross-examine all witnesses testifying against you. You are entitled to the
issuance of subpoenas to compel the attendance of witnesses and the production
of books, documents or other things by applying to the Department of Real Estate.

Dated: June 28, 1977

REAL ESTATE COMMISSIONER

BY Paul H. Werner
Attorney
Paul H. Werner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

Flag Section
FILED
APR 21 1977
DEPARTMENT OF REAL ESTATE
By Sondra Klein

In the Matter of the Accusation of)
JOSEPH IGNACIO SALAS)
Respondent)

No. H-332 Fresno

NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at Room 587, 915 Capitol Mall, State Office Building No. 1, Sacramento, California

on the 31st day of May, 1977, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and may be represented by counsel but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that a notice of defense has not been filed by you, upon affidavits, without further notice to you.

You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Dated: April 21, 1977

REAL ESTATE COMMISSIONER

By

Paul H. Werner
Attorney

Paul H. Werner

M. Werner

1 PAUL H. WERNER, Counsel
2 Department of Real Estate
3 714 P Street, Suite 1550
4 Sacramento, CA 95814
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MAR 14 1975

DEPARTMENT OF REAL ESTATE
Commissioner

By *Josie Juarez*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JOSEPH IGNACIO SALAS)
Respondent.)

No. H- 332 FRESNO
ACCUSATION

The complainant, RICHARD H. McADOO, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JOSEPH IGNACIO SALAS (hereinafter referred to as Respondent) alleges:

I

At all times herein mentioned Respondent was, and now is, licensed by the Department of Real Estate of the State of California as a real estate broker.

II

The complainant, RICHARD H. McADOO, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this accusation against Respondent.

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III

On or about August 30, 1973, Respondent was convicted in the Superior Court for the County of Santa Barbara of the crime of Murder, second degree, in violation of Section 187 of the Penal Code of the State of California, a crime involving moral turpitude.

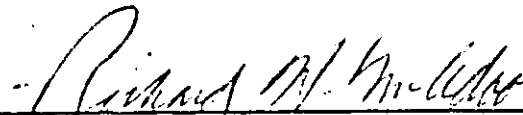
IV

By reason of the facts hereinabove alleged, Respondent has committed acts constituting grounds for disciplinary action under the provisions of Section 10177(b) of the Business and Professions Code of the State of California.

V

By reason of the facts hereinabove alleged, Respondent has committed acts which constitute grounds to suspend or revoke his license under the provisions of Section 490 of the Business and Professions Code of the State of California.

WHEREFORE, the complainant prays that the above entitled matter be set for hearing and, upon proof of the charges contained therein, that the Commissioner suspend or revoke the license held by Respondent, and for such other and further relief as may be proper in the premises.


RICHARD H. McADOO
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 17th day of March, 1975.