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FILED
MAY 10 2000

DEPARTMENT OF REAL ESTATE

By Shelly C. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FREDRICK ALDEN FAIRBANKS,) No. H-718 SA
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 29, 1988, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On October 14, 1999, Respondent petitioned for
reinstatement of said real estate salesperson license, and the
Attorney General of the State of California has been given notice
of the filing of said petition.

I have considered the petition of Respondent and the
evidence and arguments in support thereof. Respondent has
demonstrated to my satisfaction that Respondent meets the
requirements of law for the issuance to Respondent of an
unrestricted real estate salesperson license and that it would

///

1 not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that a real estate
5 salesperson license be issued to Respondent if Respondent
6 satisfies the following conditions within nine months from the
7 date of this Order:

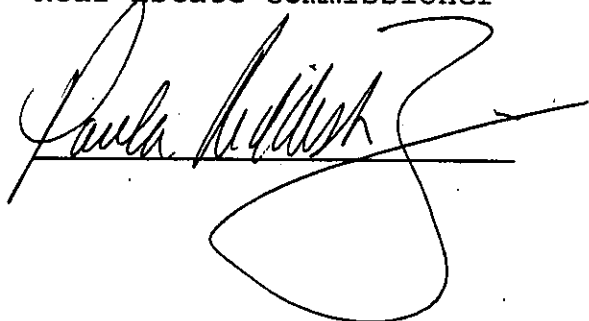
8 1. Respondent shall take and pass the real estate
9 salesperson license examination.

10 2. Submittal of a completed application and payment of
11 the fee for a real estate salesperson license.

12 This Order shall be effective immediately.

13 DATED: April 11, 2000.

14 PAULA REDDISH ZINNEMANN
15 Real Estate Commissioner

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NOV 27 1990

DEPARTMENT OF REAL ESTATE

BY

[Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of) NO. H- 718 SA
FREDRICK ALDEN FAIRBANKS,) N- 31893
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 29, 1988, an Order was rendered herein revoking the real estate salesperson license of Respondent, FREDRICK ALDEN FAIRBANKS, effective October 21, 1988.

On April 10, 1990, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that he has undergone sufficient rehabilitation to warrant the reinstatement of his real estate salesperson license.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement is granted and that a real estate
3 salesperson license be issued to him after he satisfies the
4 following conditions within one (1) year from the date of
5 this Order:

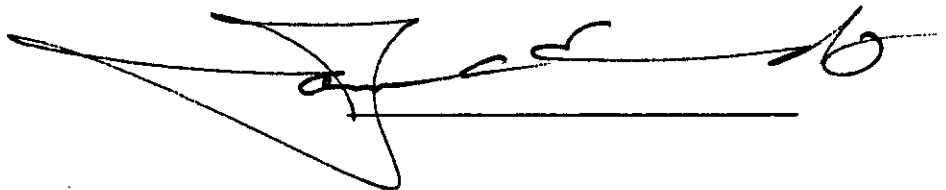
6 1. Submittal of a completed application and
7 payment of the fee for a real estate salesperson license.

8 2. Submittal of evidence satisfactory to the Real
9 Estate Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate
11 license, taken and successfully completed the continuing
12 education requirements of Article 2.5 of Chapter 3 of the
13 Real Estate Law for renewal of a real estate license.

14 This Order shall become effective immediately.

15 DATED: 11-16-90

16
17 JAMES A. EDMONDS, JR.
18 Real Estate Commissioner

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25 cc: Fredrick Alden Fairbanks
26 2425 Santa Barbara Street
27 Santa Barbara, California 93105

EML:JO

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 9-72)

85 34769

eml

FILED
SEP 30 1988

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Accusation of)
FREDRICK ALDEN FAIRBANKS,)
Respondent.)

NO. H-718 SA

N-31893

Laurie A. Gian

DECISION

The Proposed Decision dated September 12, 1988
of the Administrative Law Judge of the Office of Administrative
Hearings is hereby adopted as the Decision of the Real Estate
Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate
licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate
license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock
noon on October 21, 1988.

IT IS SO ORDERED September 29, 1988.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By:

John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against)
)
FREDERICK ALDEN FAIRBANKS)
)
 Respondent.)

CASE NO. H-718 SA
OAH NO. N-31893

PROPOSED DECISION

On August 12, 1988, in Sacramento, California, M. Amanda Behe, Administrative Law Judge, Office of Administrative Hearings, heard this matter.

Larry Alamao, Staff Counsel, represented complainant.

Respondent appeared in person, but was not otherwise represented.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant, Thomas McCrady, is a Deputy Real Estate Commissioner of the State of California, and made and filed the Accusation in his official capacity.

II

On or about February 25, 1987, Frederick Alden Fairbanks (hereinafter "respondent") was issued a real estate salesperson's license following respondent's application therefor filed on or about January 22, 1987, and has continuously thereafter been and is presently licensed and has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

Respondent's license will expire, unless properly renewed, on February 24, 1991. Respondent is required to have completed two qualifying continuing education courses by September, 1988; he has not taken or enrolled in such courses as of the date of the instant hearing.

III

In response to Question 22 of respondent's license application filed on January 22, 1987, to wit: "Have you ever been convicted of any violation of law? (you may omit any traffic violation where the disposition was a fine and the amount was \$50 or less)", respondent marked the answer box denoting "Yes".

In response to Question 24 of said application, to wit: "If you answered 'Yes' to Question 21, 22 or 23, complete the information below. Complete one line for each violation and explain in space provided." Respondent disclosed that he had been convicted of a violation of the Vehicle Code on January 12, 1987. However, under the box entitled "Code Number Violated", respondent wrote "Driving w/suspended License". Respondent had in fact entered a guilty plea to Vehicle Code Section 31 (False Information to a Police Officer), as set forth hereinbelow.

Respondent testified that he moved to Southern California "to work with a developer on a project in San Diego", was in a "big hurry" to fill out the application, and "put the wrong information" because he did not have "the paperwork in hand". His actions and testimony demonstrate disrespect for the truth, as the application was submitted under penalty of perjury and respondent made no effort to verify the information he provided. Respondent's testimony that he "forgot" the crime of which he was convicted only eight days before he completed the application is wholly lacking in credibility.

IV

On or about January 12, 1987, in the Justice Court of Coalinga Judicial District, County of Fresno, State of California, respondent was convicted of violating Vehicle Code Section 31 (False Information to a Police Officer), a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee. The circumstances of the offense are that respondent, while speeding on Interstate 5 and driving with a suspended license, was stopped by a California Highway Patrol Officer to whom he repeatedly represented that he was Carlos Kent Fairbanks, the name of his brother. His testimony that other drivers were breaking the speed limit law, that his repeated lies could be readily discovered, and that he "was being flippant" and overcame the "temptation" to identify himself to the officer as "Santa Claus" display his alarming contempt for the law and immaturity startling in a person of his age. Moreover, since 1984 respondent has repeatedly had his license suspended as a negligent operator, driven with a suspended license, and been caught speeding in violation of probation when his license was reinstated.

Respondent views his sorry record of Vehicle Code violations and conviction as "not dishonesty" and "not even connected" to moral turpitude. His argument is not persuasive, and such a view suggests that misrepresentations to real estate clients would be considered similarly insignificant. No evidence suggests that respondent could conform his conduct to the Business and Professions Code in light of

his repeated, and apparently unrepented, violations of equally significant State laws.

DETERMINATION OF ISSUES

I

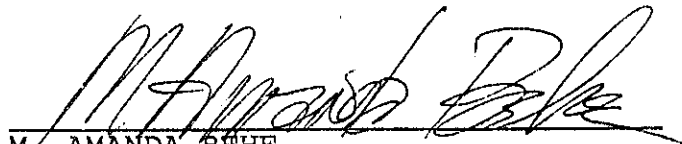
Clear and convincing evidence to a reasonable certainty establishes cause for discipline of respondent's license for violation of Business and Professions Code, sections 490 and 10177(b) by reason of Finding IV.

Clear and convincing evidence to a reasonable certainty establishes cause for discipline of respondent's license for violation of Business and Professions Code, sections 490 and 10177(a) by reason of Finding III.

ORDER

The license and all license rights of respondent Frederick Alden Fairbanks are revoked pursuant to Determination of Issues I and II separately and for both of them.

Dated: September 12, 1988


M. AMANDA BEHE
Administrative Law Judge
Office of Administrative Hearings

FILED
JUL 19 1988

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

DEPARTMENT OF REAL ESTATE

By Laurie A. Bean

In the Matter of the Accusation of

FREDRICK ALDEN FAIRBANKS,

Case No. H-718 SA

OAH No. _____

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 501 J Street, Suite 220 (2nd Floor Hearing Rooms), Sacramento, CA 95814 on the 12th day of August, 19 88, 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.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any 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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: 07/19/88

By

Larry A. Alamao
LARRY A. ALAMAO Counsel

Frank M. Buda

1 FRANK M. BUDA, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

JAN 29 1988

K. Wiedenholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

11 In the Matter of the Accusation of)	No. H-718 SA
12 FREDRICK ALDEN FAIRBANKS,)	<u>A C C U S A T I O N</u>
13)	
14 Respondent.)	

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against FREDRICK ALDEN FAIRBANKS, alleges as follows:

I

18
19 The Complainant, Thomas McCrady, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 his official capacity.

II

22
23 On or about February 25, 1987, FREDRICK ALDEN FAIRBANKS
24 (hereinafter "respondent") was issued a real estate salesperson
25 license following respondent's application therefor filed on or
26 about January 22, 1987, and has continuously thereafter been and
27 is presently licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Business and Professions
2 Code).

3 III

4 On or about January 12, 1987, in the Justice Court of
5 Coalinga Judicial District, County of Fresno, State of California,
6 respondent was convicted of violating Vehicle Code Section 31
7 (False Information to a Police Officer), a crime involving moral
8 turpitude.

9 IV

10 In response to Question 22 of said application filed on
11 or about January 22, 1987, to wit: "Have you ever been convicted
12 of any violation of law? (you may omit any traffic violation
13 where the disposition was a fine and the amount was \$50 or less)",
14 respondent marked the answer box denoting "Yes".

15 V

16 In response to Question 24 of said application, to wit:
17 "If you answered "Yes" to Question 21, 22 or 23, complete the
18 information below. Complete one line for each violation and
19 explain in space provided." Respondent disclosed that he had been
20 convicted of a violation of the Vehicle Code on January 12, 1987.
21 However, under the box entitled "Code Number Violated", respondent
22 wrote "Driving w/ suspended License". Respondent had in fact
23 entered a guilty plea to Vehicle Code Section 31 (False
24 Information to a Police Officer).

25 VI

26 The crime of which respondent was convicted bears a
27 substantial relationship to the qualifications, functions or

1 duties of a real estate licensee.

2 VIII

3 Respondent's criminal conviction, as alleged above,
4 is cause under Sections 490 and 10177(b) of the Business and
5 Professions Code for suspension or revocation of all licenses
6 and license rights of respondent under the Real Estate Law.

7 IX

8 Respondent's failure to reveal the true nature of his
9 conviction described hereinabove in Paragraph IV, in said appli-
10 cation constitutes the procurement of a real estate license by
11 knowingly making a false statement of fact required to be
12 revealed in said application, which failure is cause under Sections
13 490 and 10177(a) of the Business and Professions Code for
14 suspension or revocation of all licenses and license rights of
15 respondent under the Real Estate Law.

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1 WHEREFORE, complainant prays that a hearing be
2 conducted on the allegations on this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of respondent, FREDRICK
5 ALDEN FAIRBANKS, under the Real Estate Law (Part 1 of Division
6 of the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable provisions
8 of law.

9 Dated at Santa Ana, California
10 this 29th day of January, 1988.

THOMAS MC CRADY
Deputy Real Estate Commissioner

25 cc: Fredrick Alden Fairbanks
26 California Communities, Inc.
Sacto.
AG