

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SEP-6 1991

K. Mederhelf

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-744 SA
SCOTT FRASER COEN)	L-43405
Respondent.)	
_____)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 15, 1989, a Decision was rendered herein revoking the real estate broker license of Respondent, effective May 11, 1989.

On June 4, 1990, 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.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate broker license to Respondent.

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

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

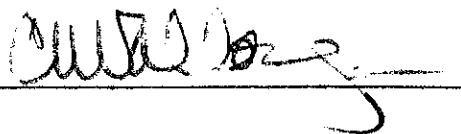
8 2. Submittal of evidence satisfactory to the
9 Real Estate Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate
13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

14 This Order shall be effective immediately.

15 DATED: September 3, 1991.

16
17
18
19
20
21
22
23
24
25

CLARK WALLACE
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Clark Wallace', is written over a horizontal line.

26 cc: Scott Fraser Coen
27 29 North La Senda
 South Laguna, CA 92677

RB:lm

Soc/Flng.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAY 11 1989

Emily J. J. J.

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-744 SA
SCOTT FRASER COEN,)	L-43405
Respondent.)	

ORDER DENYING RECONSIDERATION

On March 15, 1989, a Decision was rendered in the above-entitled matter. The Decision is to become effective on May 11, 1989.

On April 11, 1989, respondent petitioned for reconsideration of the Decision of March 15, 1989.

I have given due consideration to the petition of respondent. I find no good cause to reconsider the Decision of March 15, 1989, and reconsideration is hereby denied.

IT IS SO ORDERED May 11, 1989.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: *John R. Liberator*
JOHN R. LIBERATOR
Chief Deputy Commissioner

50K
FLM

APR 11 1989

DEPARTMENT OF REAL ESTATE
BY C. Berry

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
SCOTT FRASER COEN,)	No. H-744 SA
Respondent.)	L-43405

ORDER STAYING EFFECTIVE DATE

On March 15, 1989, a Decision was rendered in the above-entitled matter to become effective April 11, 1989.

IT IS HEREBY ORDERED that the effective date of the Decision of March 15, 1989 is stayed for a period of thirty days.

The Decision of March 15, 1989 shall become effective at 12 o'clock noon on May 11, 1989.

DATED: April 11, 1989

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: Randolph Brendia
RANDOLPH BRENDIA
Regional Manager *by SE.*

50c/Flora

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

MAR 21 1989

DEPARTMENT OF REAL ESTATE
BY C. B. [Signature]

In the Matter of the Accusation of)

SCOTT FRASER COEN,

Respondent.

No. H- 744 SA
L- 43405

DECISION

The Proposed Decision dated February 23, 1989
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.

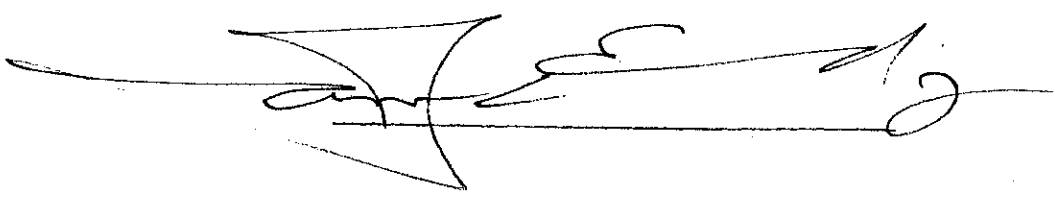
The Decision suspends or revokes one or more real
estate licenses on grounds of (the conviction of a crime/knowingly
making a false statement of fact required to be revealed in an
application for license).

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 April 11, 1989.

IT IS SO ORDERED 3-15-89

JAMES A. EDMONDS, JR.
Real Estate Commissioner



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)
) NO. H-744 SA
)
SCOTT FRASER COEN,)
) L-43405
)
Respondent.)
)

PROPOSED DECISION

This matter was heard by Marilyn L. Nelson, Administrative Law Judge of the Office of Administrative Hearings of the State of California on February 9, 1989 at Los Angeles, California. Complainant was represented by Frank M. Buda, Counsel. Respondent appeared in person and was represented by Frank J. Ragen, Attorney at Law. Oral and documentary evidence having been introduced and the matter submitted, the Administrative Law Judge proposes the following decision:

I

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, made the accusation in his official capacity.

II

On August 29, 1986, Scott Fraser Coen, (hereinafter respondent), was issued a real estate broker license following his application therefor filed on or about August 16, 1986, and has continuously thereafter been and is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

In response to Question 20 of said application, 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 "No".

IV

A. On February 10, 1986, in the United States District Court for the Central District of California, respondent was convicted, upon his plea of guilty, of violating Title 21, United States Code, Sections 952 and 960 (conspiracy to import marijuana), felonies and crimes involving moral turpitude.

B. As a result of said conviction, respondent was fined \$15,000, imposition of sentence as to imprisonment only was suspended, and respondent was placed on probation for five years. Conditions of probation included serving six months in a jail-type institution, paying the fine in such amounts and under such time-schedule as prescribed by the probation officer, and performing 100 hours of community service work for each year of his probationary period.

C. The circumstances surrounding the conviction, which occurred in 1982, relate to the introduction by respondent of individuals involved in the said conspiracy, for a fee of \$5,000.

D. The crimes of which respondent was convicted bear a substantial relationship to the qualifications, functions or duties of a real estate licensee.

V

Questions 19 through 22 of the application are preceded by the following language in pertinent part:

"Note: 'Convicted' as used in Question 20 includes a . . . plea of guilty . . . All convictions must be disclosed even if the plea or verdict was thereafter set aside and the charges against you dismissed or expunged or if you have been pardoned . . . "

Said language clearly put respondent on notice that he was required to list his said conviction. Respondent read and understood the application at the time of completing it. Respondent's failure to list his conviction is not excused by his asserted reliance upon the advice of an

individual who was a broker of manufactured homes that it was not necessary to list the conviction because it did not involve real estate fraud.

VI

Respondent served six months in a halfway house, has performed community service through a local crisis center pursuant to his probation order, and has paid approximately \$10,000 toward his \$15,000 fine.

VII

A. From 1986 to the present respondent has engaged in real estate management and residential real estate sales. He is a member of the Laguna Beach Board of Realtors. He has no employees. He would like to expand these activities.

B. Respondent also has a management business in oil and gas in the State of Wyoming, and is still active in that business.

C. Respondent lives in South Laguna where he serves as the chairman of the homeowners association. The membership of the association involves 2,000 persons and 350 homesites. Respondent spends four to five hours a week in activities involving review of planning and building applications, and involving municipality and coastal commission interaction. There have been no complaints or problems with his work in this connection.

D. Respondent has a good reputation for honesty and integrity with two character witnesses who have come in contact with him as a real estate broker.

VIII

In aggravation, respondent admitted during the hearing that he has previously been convicted of another drug related offense involving possession of codeine.

* * * * *

DETERMINATION OF ISSUES

I

Grounds exist for the suspension or revocation of all licenses and licensing rights of respondent pursuant to Business and Professions Code Sections 490 and 10177(a), by reason of Findings of Fact III, IV and V. Respondent's failure to reveal in his application for a real estate salesperson's license the criminal conviction set forth in

Finding of Fact IV constitutes procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application.

II

Grounds exist for the suspension or revocation of all licenses and licensing rights of respondent pursuant to Business and Professions Code Sections 490 and 10177(b), by reason of Finding IV. The crimes of which respondent has been convicted are crimes involving moral turpitude which are substantially related to the functions or duties of a real estate licensee.

III

Respondent is in compliance with his court-ordered probationary terms and has made progress toward rehabilitation. However, in considering the seriousness of the crimes of which he was convicted and the fact that he is not yet rehabilitated, it would not be in the public interest at this time to allow the continuance of his license and licensing rights.

* * * * *

ORDER

The licenses and licensing rights of respondent Scott Fraser Coen under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked as to Determination of Issues I and II, separately and severally.

DATED: Feb. 23, 1989

Marilyn L. Nelson

MARILYN L. NELSON
Administrative Law Judge
Office of Administrative Hearings

MLN:hk

502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FRANK M. BUDA, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

FILED

MAY 11 1988

DEPARTMENT OF REAL ESTATE
BY C. Berg

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-744 SA
SCOTT FRASER COEN,)	<u>A C C U S A T I O N</u>
)	
)	
)	
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SCOTT FRASER COEN, alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this accusation in his official capacity.

II

On or about August 29, 1986, SCOTT FRASER COEN (hereinafter respondent), was issued a real estate broker license following his application therefor filed on or about August 16, 1986, and has continuously thereafter been and is presently

1 licensed and/or has license rights under the Real Estate Law (Part
2 1 of Division 4 of the Business and Professions Code).

3

4

III

5 In response to Question 22 of said application, to wit:
6 "Have you ever been convicted of any violation of law? (you may
7 omit any traffic violation where the disposition was a fine and
8 the amount was \$50 or less)", respondent marked the answer box
9 denoting "No".

10

IV

11 On or about February 10, 1986, in the United States
12 District Court for the Central District of California, respondent
13 was convicted of violating Title 21 United States Code Sections
14 952 and 960 (conspiracy to import marijuana), felonies and crimes
15 involving moral turpitude.

16

V

17 The crimes of which respondent was convicted bear a
18 substantial relationship to the qualifications, functions or
19 duties of a real estate licensee.

20

VI

21 Respondent's failure to reveal the conviction against
22 him as set forth in Paragraph IV above, in said application,
23 constitutes the procurement of a real estate license by knowingly
24 making a false statement of fact required to be revealed in said

25

/

26

/

27

/

1 application, which failure is cause under Sections 490 and
2 10177(a) of the Business and Professions Code for suspension or
3 revocation of all licenses and license rights of respondent under
4 the Real Estate Law.

5 VII

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

10

11 WHEREFORE, complainant prays that a hearing be conducted
12 on the allegations of this Accusation and that upon proof thereof,
13 a decision be rendered imposing disciplinary action against all
14 licenses and license rights of respondent SCOTT FRASER COEN under
15 the Real Estate Law (Part 1 of Division 4 of the Business and
16 Professions Code) and for such other and further relief as may
17 be proper under other applicable provisions of law.

18 Dated at Santa Ana, California

19 this 11th day of May, 1988.

20

21

22

THOMAS MCCRADY

Deputy Real Estate Commissioner

23

24

25 cc: Scott Fraser Coen

✓ Sacto.

ceb 26

AG

27