

FILED
AUG 29 1990
DEPARTMENT OF REAL ESTATE

Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
PATRICK JAMES McCUSKER,)
et al.,)
Respondents.)

NO. H-895 FRESNO
N 32650 and
N 33834

DECISION

The Proposed Decision dated July 27, 1990,
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 as to PATRICK JAMES McCUSKER, only.

This Decision shall become effective at 12 o'clock noon
on September 18, 19 90.

IT IS SO ORDERED August 27, 19 90.

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 Amended	)	
Accusation Against:	)	No. H-895 FRESNO
	)	
PATRICK JAMES McCUSKER, et al.,	)	OAH Nos. N-32650 and N-33834
	)	
	)	
Respondents.	)	
_____	)	

PROPOSED DECISION

On May 10, 1990, in Sacramento, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, conducted a settlement conference in these matters.

Complainant was represented by Roland Adickes, Counsel, Department of Real Estate.

Respondent Patrick James McCusker was present and was represented by Richard L. Harriman, Attorney at Law.

At said conference, respondent McCusker reapproved his stipulation, which he signed on January 16, 1990, incorporated herein by reference and attached hereto. Based on said stipulation, the matters were submitted for decision on May 29, 1990.

FINDINGS OF FACT

I

Jerry E. Fiscus made the amended accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

On June 8, 1988, complainant filed Amended Accusation No. H-895 FRESNO, incorporated herein by reference, against respondent

(and other parties), charging him with violation of section 10177(d) in conjunction with section 11018.2 of the Business and Professions Code.

III

The allegations against respondent McCusker contained in the above Amended Accusation are true and admitted by said respondent.

DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause for the discipline of respondent's license was established for violation of section 10177(d) in conjunction with section 11018.2 of the Business and Professions Code, by reason of Finding III.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Patrick James McCusker under the Real Estate Law are suspended for a period of ten (10) days from the effective date of this Decision; provided, however, that:

Said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. That no further cause for disciplinary action against respondent occurs during the (twelve) 12 months. If cause for disciplinary action occurs within twelve (12) months from the effective date of this decision, the Commissioner may, after a hearing in accordance with the Administrative Procedure Act, vacate the stay and impose the ten (10) day suspension together with other discipline, if any, resulting from such hearing. If no cause for discipline occurs within twelve (12) months from the effective date of this decision, the stay of the ten (10) days suspension shall become permanent.
2. Respondent McCusker shall, within six (6) months from the effective date of this decision, take and pass the Professional Responsibility Examination administered by the

Department, including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Dated: July 27, 1990

John D. Wagner
JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings