

**FILED**

DEC 02 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

ALAN CIRSON,

Respondent.

No. H-1000 SA

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 3, 1991, in Case No. H-1000 SA, a Decision After Reconsideration was rendered revoking the real estate salesperson license of Respondent effective September 3, 1991, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 21, 1992, and Respondent has operated as a restricted licensee since that time.

On January 19, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition 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 not be against the public interest to issue said license to Respondent.

1                    NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
2 reinstatement is granted and that a real estate salesperson license be issued to Respondent if  
3 Respondent satisfies the following conditions within twelve (12) months from the date of this  
4 order:

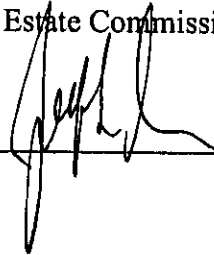
- 5                    1.     Submittal of a completed application and payment of the fee for a real  
6 estate salesperson license.
- 7                    2.     Submittal of evidence of having, since the most recent issuance of an  
8 original or renewal real estate license, taken and successfully completed the continuing education  
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
10 license.

11                    This Order shall become effective immediately.

12                    DATED: 11-25-09

13                    JEFF DAVI  
14 Real Estate Commissioner

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*Sylvia Williams*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of	)	No. H-1000 SA
	)	
ALAN CIRSON,	)	L-50942
	)	
Respondent.	)	
	)	

DECISION AFTER RECONSIDERATION

On May 15, 1991, a Decision was rendered herein, which revoked the real estate salesperson license and all real estate license rights of respondent. On July 11, 1991, reconsideration of the Decision of May 15, 1991 was granted by Order of the Real Estate Commissioner.

I have reconsidered said Decision and it is hereby ordered that the disciplinary action therein imposed against the real estate salesperson license of respondent be reduced by modifying the Order of said Decision to read as follows:

ORDER

I. The real estate salesperson license and licensing rights of respondent are hereby revoked.

1           II. A restricted real estate salesperson license  
2 shall be issued to respondent pursuant to Section 10156.5 of the  
3 Business and Professions Code. The restricted license issued  
4 to respondent shall be subject to all of the provisions of  
5 Section 10156.7 of the Business and Professions Code and to the  
6 following limitations, conditions, and restrictions imposed  
7 under authority of Section 10156.6 of the Code.

8           A. The license issued pursuant to this order shall be  
9 deemed to be the first renewal of respondent's real estate  
10 salesperson license for the purpose of applying the provisions  
11 of Section 10153.4.

12           B. Within Six (6) months from the date of this order  
13 respondent shall:

- 14           1. Submit a completed application and pay the  
15 appropriate fee for a restricted real estate  
16 salesperson license; and  
17           2. Submit evidence of having taken and successfully  
18 completed the courses specified in subdivisions  
19 (a) and (b) of Section 10170.5 of the Real Estate  
20 Law for renewal of a real estate license.

21           C. Upon renewal of the license issued pursuant to his  
22 order, respondent shall submit evidence of having taken and  
23 successfully completed the continuing education requirements of  
24 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of  
25 a real estate license.

26           D. The restricted license may be suspended, prior to  
27 and pending final determination after formal hearing, by order

1 of the Real Estate Commissioner in the event of respondent's  
2 conviction or plea of nolo contendere to a crime which bears a  
3 significant relationship to respondent's fitness or capacity as  
4 a real estate licensee.

5 E. The restricted license may be suspended, prior to  
6 and pending final determination after formal hearing, by order  
7 of the Real Estate Commissioner based upon evidence satisfactory  
8 to the Commissioner that respondent has violated provisions of  
9 the California Real Estate Law, the Subdivided Lands Law,  
10 Regulations of the Real Estate Commissioner or conditions  
11 attaching to the restricted license.

12 F. With the application for license, or with the  
13 application for transfer to a new employing broker, respondent  
14 shall submit a statement signed by the prospective employing  
15 broker on a form approved by the Department of Real Estate  
16 wherein the employing broker shall certify as follows:

- 17 1. That broker has read the Order herein and the  
18 Decision which is the basis for the issuance  
19 of the restricted license; and  
20 2. That broker will carefully review all transaction  
21 documents prepared by the restricted licensee and  
22 otherwise exercise close supervision of the  
23 licensee's performance of acts for which a  
24 license is required.

25 G. Respondent shall not be eligible to apply for the  
26 issuance of an unrestricted real estate license nor the removal  
27 of any of the conditions, limitations or restrictions of the

1 restricted license until at least one (1) year has elapsed from  
2 the date of this Order.

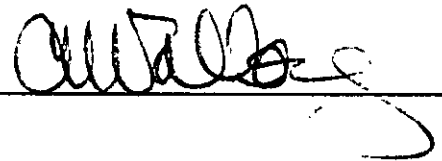
3 Petition for reinstatement of license is controlled by  
4 Section 11522 of the Government Code. A copy of Section 11522  
5 is attached hereto for the information of respondent.

6 If and when application is made for an unrestricted  
7 real estate salesperson license through a petition for  
8 reinstatement of license, all competent evidence of  
9 rehabilitation presented by the respondent will be considered by  
10 the Real Estate Commissioner. A copy of the Commissioner's  
11 Criteria of Rehabilitation is attached hereto.

12 This Order is effective immediately.

13 DATED: September 3, 1991.

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15 CLARK WALLACE  
16 Real Estate Commissioner

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26 cc: Alan Cirson  
27 8241 Deauville Drive  
Huntington Beach, CA 92646

FILED  
JUL 11 1991  
DEPARTMENT OF REAL ESTATE

By Lee Frost

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
ALAN CIRSON, )	NO. H-1000 SA
Respondent. )	L-50942

ORDER GRANTING RECONSIDERATION

On May 15, 1991, a Decision was rendered in the above-entitled matter. The Decision is to become effective on July 11, 1991.

On June 21, 1991, respondent petitioned for reconsideration of the Decision of May 15, 1991.

I find that there is good cause to reconsider the Decision of May 15, 1991. Reconsideration is hereby granted for the limited purpose of determining whether the disciplinary action imposed against respondent by said Decision should be reduced.

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///

1 Respondent shall have until August 15, 1991 in which to  
2 file written argument in further support of his petition for  
3 reconsideration. Counsel for the Department of Real Estate shall  
4 submit a written reply to said argument within 20 days thereafter.

5 IT IS SO ORDERED July 11, 1991.

6 CLARK WALLACE  
7 Real Estate Commissioner

8 By: John R. Liberator  
9 JOHN R. LIBERATOR  
10 Chief Deputy Commissioner  
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JUN 11 1991

DEPARTMENT OF REAL ESTATE  
BY *C. Berg*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) No. H-1000 SA  
ALAN CIRSON, ) L-50942  
Respondent. )

ORDER STAYING EFFECTIVE DATE

On May 15, 1991, a Decision was rendered in the above-entitled matter to become effective June 11, 1991.

IT IS HEREBY ORDERED that the effective date of the Decision of May 15, 1991, is stayed for a period of 30 days.

The Decision of May 15, 1991, shall become effective at 12 o'clock noon on July 11, 1991.

DATED: June 11, 1991.

CLARK WALLACE  
Real Estate Commissioner

By: *Randolph Brendia*  
RANDOLPH BRENDIA  
Regional Manager

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DEC 22 1991

DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) No. H-1000 SA  
ALAN CIRSON, ) L-50942  
Respondent. )

DECISION AFTER REJECTION

The matter came on for hearing before Carolyn M. Richardson, Administrative Law Judge of the Office of Administrative Hearings in Los Angeles, California, on November 21, 1990.

Marjorie P. Mersel, Counsel, represented the complainant.

ALAN CIRSON, was present and represented himself.

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

On December 10, 1990, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my

1 decision herein. Pursuant to Section 11517(c) of the Government  
2 Code of the State of California, respondent was served with  
3 notice of my determination not to adopt the Proposed Decision of  
4 the Administrative Law Judge along with a copy of said Proposed  
5 Decision. Respondent was notified that the case would be  
6 decided by me upon the record, the transcript of proceedings  
7 held on November 21, 1990, and upon any written argument offered  
8 by respondent.

9 Argument has been submitted by respondent.

10 I have given careful consideration to the record in  
11 this case, including the transcript of proceedings of  
12 November 21, 1990.

13 The following shall constitute the Decision of the  
14 Real Estate Commissioner in this proceeding:

15 FINDINGS OF FACT

16 I have determined that the Findings of Fact in the  
17 Proposed Decision of the Administrative Law Judge, dated  
18 December 10, 1990, are appropriate in all respects and they are  
19 adopted as the Findings of Fact of the Real Estate Commissioner  
20 in this proceeding.

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**ORDER**

This Decision shall become effective at 12 o'clock  
noon on June 11, 1991

May 15, 1991

JOHN R. LIBERATOR  
Chief Deputy  
Real Estate Commissioner

John R. Keaton

*gms*

FILED

DEC 28 1990

DEPARTMENT OF REAL ESTATE

BY *C. Perry*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
ALAN CIRSON, )	NO. H-1000 SA
)	
)	L-50942
Respondent. )	
_____ )	

NOTICE

TO: ALAN CIRSON, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 10, 1990, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 10, 1990, is attached 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 November 21, 1990, and any written argument hereafter submitted on behalf of respondent and complainant.

1           Written argument of respondent to be considered by  
2 me must be submitted within 15 days after receipt of the  
3 transcript of the proceedings of November 21, 1990, at the Los  
4 Angeles office of the Department of Real Estate unless an  
5 extension of the time is granted for good cause shown.

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

11           DATED: December 21, 1990

12                           JAMES A. EDMONDS, JR.  
13                           Real Estate Commissioner

14                           John R. Liberator  
15                           by: JOHN R. LIBERATOR  
16                           Chief Deputy Commissioner  
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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of	)	NO. H-1000 SA
	)	
ALAN CIRSON,	)	L-50942
	)	
Respondent.	)	
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PROPOSED DECISION

This matter came on regularly for hearing before Carolyn M. Richardson, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on November 21, 1990. Marjorie P. Mersel, Staff Counsel, represented the complainant. Respondent was present at the hearing and represented himself.

The record was held open fifteen days for respondent to submit documents in rehabilitation. Said reports were received on December 6, 1990, and are hereby admitted into evidence as administrative hearsay as Exhibit A.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Administrative Law Judge takes official notice that the Accusation was made by Thomas McCrady in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On some undetermined date in 1982, the Department of Real Estate (hereinafter Department) issued real estate salesperson's license no. 840905 to Alan Cirson (hereinafter respondent). Said license is in full force and effect.

3.(A) On October 18, 1989, in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, respondent pleaded nolo contendere to, and was convicted of, violating Penal Code Section 470 (forgery), a crime of moral turpitude per se.

(B) Imposition of sentence was suspended and respondent was placed on two (2) years summary probation on condition that he perform twenty (20) days of community service and serve two (2) days in the county jail.

(C) Said crime is substantially related to the duties, qualifications or functions of a real estate salesperson.

4.(A) The facts and circumstances surrounding respondent's conviction are, as follows: On or about August 24, 1989, respondent, utilizing the stolen identification of his former roommate passed forged checks in Nordstroms.

(B) Respondent contends that he was threatened with physical harm by two (2) men if he failed to commit the crime. Respondent's testimony in this regard is not credible. Respondent's lack of candor at the hearing and failure to fully accept the responsibility for his own wrongdoings show that he is not yet rehabilitated from the conviction.

5. Respondent has suffered no other convictions, but has a driving under the influence offense pending.

6. Respondent is currently employed as a real estate salesperson at the Re/Max real estate agency, working 50 to 60 hours per week. Respondent is well thought of by his colleagues and employer. Respondent has suffered no prior disciplinary action by the Department, and the Department has received no complaints against respondent.

\* \* \* \* \*

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

#### CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code Sections 10177(b) and 490, in that respondent has been convicted of a crime involving moral turpitude, which is substantially related to the duties, qualifications or functions of a real estate licensee, as set forth in Findings 3 and 4(A) above.



2. It is found that respondent is not rehabilitated from his conviction of October 18, 1989. Respondent's lack of candor and refusal to fully accept responsibility for his wrongdoings show that (Finding 4(B) above). A real estate salesperson has to acquire and maintain the trust of clients in all transactions. It would not be against the public interest to allow respondent a restricted license, in that he has been licensed for about eight (8) years with no prior disciplinary action by the Department (Findings 2, 5 and 6 above).

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Real estate salesperson's license 840905 issued to respondent Alan Cirson is hereby revoked; provided, however, that respondent shall be entitled to apply for, and shall be issued a restricted real estate salesperson's license pursuant to Section 10156.5, if he makes application therefor and pays the appropriate fee for said license within sixty (60) days from the effective date of this Decision. The real estate salesperson's license issued to respondent shall be subject to the provisions of BPC Sections 10156.6 and 10156.7, and the following terms and conditions:

- Not  
Adopted*
1. Immediately upon issuance of said restricted license, said license is suspended for thirty (30) days.
  2. Respondent shall, within twelve (12) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner, that he has, since the most recent issuance of the restricted real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

3. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction of, or plea of nolo contendere to, a crime which bears a substantial relationship to respondent's fitness or capacity to act as a real estate salesperson.
4. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent violated the provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or conditions attaching to said restricted license.
5. Respondent shall not be eligible for the issuance of an unrestricted license, nor the removal of any of the conditions, limitations or restrictions of the restricted license until three (3) years have elapsed from the date of the issuance of the restricted license to him.
6. With the application for the restricted license, or an application for transfer of the restricted license to a new employing broker, respondent shall submit a signed statement by the prospective employing broker on a form printed by the Department certifying that the employing broker has read the decision which is the basis for the issuance of the restricted license and that she or he will fully review all transactions and documents prepared by respondent and fully supervise respondent.

Dated: December 10, 1990



CAROLYN M. RICHARDSON  
Administrative Law Judge  
Office of Administrative Hearings

CMR:mh

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED

AUG-2 1990

In the Matter of the Accusation of

ALAN CIRSON,

DEPARTMENT OF REAL ESTATE

BY C. B. [Signature]

Case No. H-1000 SA

OAH No. L-50942

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 Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012

on the 21st day of November, 1990, 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.

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

By Marjorie P. Merse  
MARJORIE P. MERSEL, Counsel

Dated: August 2, 1990

cc: Alan Cirson  
John Cirson  
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MARJORIE P. MERSEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
(213) 620-4790

FILED  
JUL -6 1990  
DEPARTMENT OF REAL ESTATE  
BY 613247

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-1000 SA
ALAN CIRSON, )	<u>A C C U S A T I O N</u>
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Respondent. )	
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The Complainant, Thomas McCrady, a Deputy Real Estate  
Commissioner of the State of California, for cause of accusation  
against ALAN CIRSON, 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

ALAN CIRSON (hereinafter referred to as respondent) is  
presently licensed and/or has license rights under the Real Estate  
Law (Part 1 of Division 4 of the Business and Professions Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson, or possessed renewal rights for such a license.

IV

On or about November 18, 1989, in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, respondent was convicted of the crime of violating Penal Code Section 470 (forgery), a crime involving moral turpitude.

V

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

VI

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

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1                   WHEREFORE, complainant prays that a hearing be conducted  
2 on the allegations of this Accusation and that upon proof thereof,  
3 a decision be rendered imposing disciplinary action against all  
4 licenses and license rights of respondent, ALAN CIRSON, under the  
5 Real Estate Law (Part 1 of Division 4 of the Business and  
6 Professions Code) and for such other and further relief as may be  
7 proper under other applicable provisions of law.  
8 Dated at Santa Ana, California  
9 this 6th day of July, 1990.

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12                   THOMAS MCCRADY  
13                   Deputy Real Estate Commissioner  
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26 cc: Alan Cirson  
27       John Cirson  
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