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FILED

JAN 27 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-1153 SD.
)
)
ANDREW PHEMISTER)
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)
)
)
Respondent.)
_____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 10, 1983, a Decision was rendered herein,
revoking the real estate salesperson license of Respondent,
ANDREW PHEMISTER, (hereinafter "Respondent"), effective June
1, 1983.

On December 10, 1991, 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 grounds do not presently

1 exist to deny the issuance of unrestricted real estate
2 salesperson license to Respondent.

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

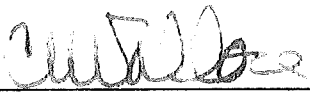
8 1. Submittal of a completed application and
9 payment of the fee for a real estate salesperson license.

10 2. Successful completion of the written examination
11 administered by the Department for a real estate salesperson
12 license.

13 This Order shall become effective immediately.

14 DATED: 1/25/83.

15 CLARK WALLACE
16 Real Estate Commissioner

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24 cc: ANDREW PHEMISTER
25 8651 Larsen Way
26 La Mesa, California 91941
27

MAY 12 1963

DEPARTMENT OF REAL ESTATE
BY Laura B. Orona

No. H- 1153 SD

L- 27941

The Proposed Decision dated April 18, 1983
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 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.

IT IS SO ORDERED *May 10, 1983*


JAMES A. EDMONDS, JR.
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)

ANDREW PHEMISTER,)

Respondent.)

CASE NO. H-1153 SD

L-27941

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California, on April 11, 1983, at 11:00 a.m. Donna S. Hauptman, Counsel, Department of Real Estate represented the complainant. Respondent was accorded service of process as required by law in that complainant complied with Sections 11505 and 11509 of the Government Code; however, respondent did not appear at the hearing, nor was he represented. Evidence, both oral and documentary having been introduced and the matter submitted, the Administrative Law Judge finds by clear and convincing proof the following facts:

I

Carl Lewis filed the Accusation in his official capacity as a Deputy Real Estate Commissioner in the State of California.

II

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson. Such license expired by its own terms on December 19, 1982. The Department of Real Estate retains jurisdiction to proceed with disciplinary action against a lapsed license pursuant to Section 10103 of the Business and Professions Code.

III

On May 11, 1982, in the Municipal Court of California, El Cajon Judicial District, County of San Diego, respondent was convicted of the crime of violating Penal Code Section 484/488 (Petty Theft), a crime involving moral turpitude.

IV

Pursuant to Section 11520(b) of the Government Code no showing of mitigation was made on the part of the respondent relative to the hereinabove found conviction.

* * * * *

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

Cause for suspension or revocation of the license of respondent exists pursuant to Sections 490 and 10177(b) of the Business and Professions Code.

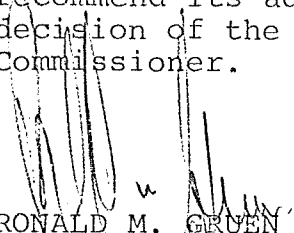
* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson license of respondent Andrew Phemister is hereby revoked.

I hereby submit the foregoing which constitutes my Proposed Decision in the above entitled matter as a result of the hearing had before me on April 11, 1983, at San Diego, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: April 19, 1983


RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

RMG:ss

1 DONNA S. HAUPTMAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 620-4790

SEP 20 1982

DEPARTMENT OF REAL ESTATE
M. E. Russell

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 ANDREW PHEMISTER,)
13 Respondent.)
14)

NO. H-1153 SD

A C C U S A T I O N

15 The Complainant, Carl Lewis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against ANDREW PHEMISTER, alleges as follows:

18 I

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

22 II

23 ANDREW PHEMISTER (hereinafter referred to as Respondent)
24 is presently licensed and/or has license rights under the Real
25 Estate Law (Part 1 of Division 4 of the Business and Professions
26 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.

IV

On or about May 11, 1982, in the Municipal Court of California, El Cajon, Judicial District, County of San Diego, Respondent was convicted of the crime of violating Penal Code Section 484/488 (Petty Theft), 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 subjects his real estate license and/or license rights to suspension or revocation under Sections 490 and 10177(b) of the Business and Professions Code of the State of California.

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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, ANDREW PHEMISTER,
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), and for such other and further relief
7 as may be proper under other applicable provisions of law.

8 Dated at San Diego, California,
9 this 20th day of September, 1982.

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11 CARL LEWIS
12 Deputy Real Estate Commissioner
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25 cc: Andrew Phemister
26 Sacto
27 OAH
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