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DEPARTMENT OF REAL ESTATE

Linda Carter

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
RUSSELL TERRY SCHAUER,) NO. H-1263 SAC
Respondent.)
_____)

ORDER GRANTING UNRESTRICTED LICENSE

On May 18, 1977, an Order was rendered herein denying the Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. Respondent has held said restricted license for a period of more than one year.

On July 17, 1980, Respondent petitioned for the removal of restrictions attaching to his real estate broker license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that he meets the requirements of law for the issuance to him of an unrestricted real estate broker license and that it would not be against the public interest to issue said

1 license to him.

2 NOW, THEREFORE, IT IS ORDERED that the petition of
3 Respondent for the issuance to him of an unrestricted real estate
4 broker license be granted upon the receipt of a completed applica-
5 tion and the fee for said license within 90 days from the date
6 hereof.

7 This Order shall be effective immediately.

8 DATED: *November 10th 1980*

10 DAVID H. FOX
11 Real Estate Commissioner

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13 By *Richard D. Carlson*
14 RICHARD D. CARLSON
Assistant Commissioner

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1 honesty and truthfulness, or that he may in his discretion waive
2 the hearing and grant me a restricted real estate broker license
3 based upon this Stipulation and Waiver.

4 I do hereby admit that the allegations of the Statement
5 of Issues filed against me are true and correct and request that
6 the Real Estate Commissioner in his discretion issue to me a
7 restricted real estate broker license under the authority of
8 Section 10156.5 of the Business and Professions Code.

9 I am aware that by signing this Stipulation and Waiver,
10 I am waiving my right to a hearing and any opportunity through a
11 hearing to obtain an unrestricted real estate license at this
12 time if the Stipulation and Waiver is accepted by the Real Estate
13 Commissioner. I understand, however, that I am not waiving my
14 right to a hearing and to further proceedings to obtain a
15 restricted or unrestricted license if this Stipulation and Waiver
16 is not accepted by the Commissioner.

17 I further understand that the following conditions,
18 limitations and restrictions will attach to a restricted license
19 issued by the Department of Real Estate pursuant hereto:

20 1. The license shall not confer any property right
21 in the privileges to be exercised thereunder and
22 the Real Estate Commissioner may by appropriate
23 order suspend the right of respondent to exercise
24 any privileges granted under this restricted
25 license in the event of:

26 a. The conviction of respondent or a plea of
27 nolo contendere to a crime which bears a

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significant relation to respondent's fitness or capacity as a real estate licensee; or

b. The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of the restricted license until one year has elapsed from the date of issuance of the restricted license to respondent.

DATED this 5 day of May, 1977.

R. Terry Schauer
Respondent

1 I have read the Statement of Issues filed herein and
2 the foregoing Stipulation and Waiver signed by respondent. I am
3 satisfied that a hearing for the purpose of requiring further
4 proof as to the honesty and truthfulness of respondent need not
5 be called and that it will not be inimical to the public interest
6 to issue a restricted real estate broker license to respondent.

7 Therefore, IT IS HEREBY ORDERED that a restricted real
8 estate broker license be issued to respondent _____

9 RUSSELL TERRY SCHAUER if respondent has otherwise
10 fulfilled all of the statutory requirements for licensure. The
11 restricted license shall be limited, conditioned and restricted as
12 specified in the foregoing Stipulation and Waiver.

13 DATED this 18 day of May, 1977.

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16 *David H. Fox*

17 DAVID H. FOX
18 Real Estate Commissioner
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LARRY A. ALAMAO, Counsel
Department of Real Estate
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Sacramento, CA 95814

DEPARTMENT OF REAL ESTATE

Phone: (916) 445-6112

By Larry Alamao

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
RUSSELL TERRY SCHAUER,)
Respondent.)

No. H-1263 SAC

STATEMENT OF ISSUES

The complainant, JOSEPH HOFMANN, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against RUSSELL TERRY SCHAUER (hereinafter referred to as Respondent) is informed and alleges as follows:

FIRST CAUSE OF ACTION

I

Respondent duly made application to the Department of Real Estate of the State of California for a real estate broker license on or about February 3, 1977.

II

Complainant, JOSEPH HOFMANN, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise makes this Statement of Issues

1 against Respondent.

2 III

3 On or about June 2, 1972, in the Municipal Court of
4 the Sacramento Judicial District, County of Sacramento, State of
5 California, Respondent was convicted of a violation of Section
6 2106 (Failure to Furnish Required Reports) of the California
7 Unemployment Insurance Code, a misdemeanor involving moral
8 turpitude which bears a substantial relationship to the
9 qualifications, functions or duties of a real estate broker.

10 IV

11 By reason of the facts hereinabove alleged, Respondent
12 has committed acts constituting grounds to deny the issuance of
13 a real estate broker license under the provisions of Section
14 10177(b) and Section 480 of the Business and Professions Code of
15 the State of California.

16 SECOND CAUSE OF ACTION

17 There is hereby incorporated into this Second Cause of
18 Action all of the allegations contained in Paragraphs I, II, and
19 III of the above First Cause of Action with the same force and
20 effect as if herein fully set forth

21 I

22 On or about October 13, 1976, Respondent duly made
23 application to the Department of Real Estate for a real estate
24 salesman license.

25 II

26 In response to question 7A of the application referred
27 to in Paragraph I of the Second Cause of Action. "Have you ever

1 been convicted by any violation of law other than a non-moving
2 type of traffic violation?", Respondent failed to disclose the
3 conviction described in Paragraph III of the First Cause of
4 Action.


5 III

6 By reason of the facts hereinabove alleged, Respondent
7 has committed acts constituting grounds to deny the issuance of
8 a real estate broker license under the provisions of Section
9 10177(a) and Section 480 of the Business and Professions Code of
10 the State of California.

11 PRIOR DISCIPLINARY ACTION

12 On April 19, 1977, effective May 10, 1977, in Case
13 No. H-1225 SAC, the Real Estate Commissioner denied Respondent's
14 real estate salesman license but granted the right to a
15 restricted real estate salesman license pursuant to Section 480(b)
16 of the Business and Professions Code of the State of California.
17

18 WHEREFORE, the complainant prays that the above-
19 entitled matter be set for hearing and, upon proof of the charges
20 contained herein, that the Commissioner refuse to authorize the
21 issuance of, and deny the issuance of a real estate broker
22 license to Respondent, and for such other and further relief as
23 may be proper in the premises.
24

25 
26 JOSEPH HOFMANN
27 Deputy Real Estate Commissioner

28 Dated at Sacramento, California,
29 this 26th day of April, 1977.