

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED

AUG 11 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)	No. H-1336 SA
12 JAMES DOUGLAS AMBROSE, JR.,)	L-59608
13 Respondent.)	STIPULATION AFTER HEARING
14)	AND WAIVER

15 I, JAMES DOUGLAS AMBROSE, JR., respondent herein,
16 acknowledge that I have received and read the Accusation filed by
17 the Department of Real Estate on April 6, 1992, and the Statement
18 to Respondent sent to me in connection with the Accusation.

19 I hereby admit that the allegations of the Accusation
20 filed against me are true and correct and constitute a basis for
21 the discipline of my real estate broker license.

22 I further acknowledge that the Real Estate Commissioner
23 held a hearing on this Accusation on February 25, 1993, before the
24 Office of Administrative Hearings, for the purpose of proving the
25 allegations therein.

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1 I was present at the hearing and was represented by Jude
2 Thaddeus A. Powers, Esq., and participated therein. Further, I
3 have had an opportunity to read and review the Proposed Decision
4 of the Administrative Law Judge.

5 I understand that pursuant to Government Code Section
6 11517(c), the Real Estate Commissioner has rejected the Proposed
7 Decision of the Administrative Law Judge. I further understand
8 that pursuant to the same Section 11517(c), the Real Estate
9 Commissioner may decide this case upon the record, including the
10 transcript, without taking additional evidence, after affording me
11 the opportunity to present written argument to the Real Estate
12 Commissioner.

13 I further understand that by signing this Stipulation
14 After Hearing and Waiver, I am waiving my right to obtain a
15 dismissal of the Accusation through proceedings under Government
16 Code Section 11517(c) if this Stipulation After Hearing and Waiver
17 is accepted by the Real Estate Commissioner. However, I also
18 understand that I am not waiving my rights to further proceedings
19 to obtain a dismissal of the Accusation if this Stipulation After
20 Hearing and Waiver is not accepted by the Real Estate
21 Commissioner.

22 I hereby request that the Real Estate Commissioner in
23 his discretion revoke my real estate broker license and issue to
24 me a restricted real estate broker license under the authority of
25 Section 10156.5 of the Business and Professions Code if I make
26 application therefor and pay to the Department of Real Estate the
27 /

1 appropriate fee for said license within one year from the
2 effective date of the Decision herein.

3 I further understand that the restricted license shall
4 be subject to the provisions of Section 10156.7 of the Business
5 and Professions Code and the following conditions, limitations and
6 restrictions will attach to the restricted license issued by the
7 Department of Real Estate pursuant hereto:

8 1. In the event Respondent enters into an employer-
9 employee relationship with any other real estate broker as an
10 employee, Respondent shall inform said broker of his March 31,
11 1989, conviction of violating Section 288(a) of the California
12 Penal Code and shall provide said broker a copy of the Decision in
13 this matter.

14 2. Respondent shall, within nine (9) months from the
15 effective date of this Decision, present evidence satisfactory to
16 the Real Estate Commissioner that he has, since the most recent
17 issuance of an original license, taken and successfully completed
18 the continuing education requirements of Article 2.5 of Chapter 3
19 of the Real Estate Law for renewal of a real estate license. If
20 respondent fails to satisfy this condition, the Commissioner may
21 order the suspension of the restricted license until respondent
22 presents such evidence. The Commissioner shall afford respondent
23 the opportunity for a hearing pursuant to the Administrative
24 Procedure Act to present such evidence.

25 3. The license shall not confer any property right in
26 the privileges to be exercised thereunder and the Real Estate
27 Commissioner may by appropriate order suspend the right of

1 respondent to exercise any privileges granted under this
2 restricted license in the event of:

- 3 a. The conviction of respondent (including a plea
4 of nolo contendere) to a crime which bears a
5 substantial relationship to respondent's
6 fitness or capacity as real estate licensee; or
7 b. The receipt of evidence that respondent has
8 violated provisions of the California Real
9 Estate Law, the Subdivided Lands Law,
10 regulations of the Real Estate Commissioner or
11 conditions attaching to this restricted license.

12 4. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor the removal of
14 any of the conditions, limitations or restrictions attaching to
15 the restricted license until three years have elapsed from the
16 date of issuance of the restricted license to respondent.

17 5. Respondent shall report in writing to the Department
18 of Real Estate as the Real Estate Commissioner shall direct such
19 information concerning respondent's activities for which a real
20 estate license is required.

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1 6. If the Commissioner determines, after giving
2 respondent notice and an opportunity to be heard, that a violation
3 of the conditions has occurred, the Commissioner may suspend or
4 revoke the restricted license.

5 DATED this 23rd day of July, 1993.

6
7 James Douglas Ambrose, Jr.
8 JAMES DOUGLAS AMBROSE, JR.
9 Respondent

10 Jude Thaddeus A. Powers
11 JUDE THADDEUS A. POWERS,
12 Attorney for Respondent

13 DATED this 16th day of July, 1993.

14 Marjorie P. Meszel
15 MARJORIE P. MERSEL
16 Counsel for Complainant

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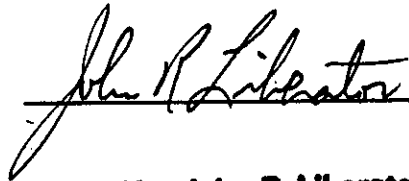
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2 I have read the Accusation filed herein, the Proposed
3 Decision of the Administrative Law Judge dated March 24, 1993, and
4 the foregoing Stipulation After Hearing and Waiver signed by
5 respondent. I am satisfied that it will not be inimical to the
6 public interest to issue a restricted real estate salesperson
7 license to respondent.

8 Therefore, IT IS HEREBY ORDERED that the real estate
9 broker license of respondent JAMES DOUGLAS AMBROSE, JR., be
10 revoked and a restricted real estate broker license be issued to
11 respondent if he has otherwise fulfilled all of the statutory
12 requirements for licensure. The restricted license shall be
13 limited, conditioned and restricted as specified in the foregoing
14 Stipulation After Hearing and Waiver.

15 This Order shall become effective at 12 o'clock noon on
16 August 31, 1993.

17 DATED this 6th day of August, 1993.

18 CLARK WALLACE
19 Real Estate Commissioner

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21

22 BY: John R. Liberator
23 Chief Deputy Commissioner
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5/20/93
ELAS

FILED

APR 28 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JAMES DOUGLAS AMBROSE, JR.,)	NO. H-1336 SA
Respondent.)	L-57608

NOTICE

TO: JAMES DOUGLAS AMBROSE, JR., Respondent
and
JUDE THADDEUS A. POWERS, his Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 24, 1993, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 24, 1993, 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 February 25, 1993, and any written argument hereafter submitted on behalf of

1 respondent and complainant.

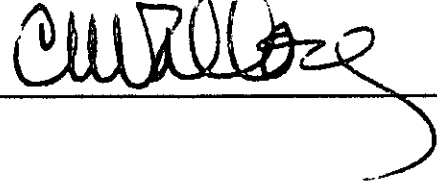
2 Written argument of respondent to be considered by me
3 must be submitted within 15 days after receipt of the transcript
4 of the proceedings of February 25, 1993, at the Los Angeles
5 office of the Department of Real Estate unless an extension of
6 the time is granted for good cause shown.

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

12 DATED: _____

4/22/93

13 CLARK WALLACE
14 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	
	)	No. H-1336 SA
JAMES DOUGLAS AMBROSE JR.	)	
	)	OAH No. L-57608
	)	
Respondent.	)	

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on February 25, 1993. Complainant was represented by Marjorie P. Mersel, Staff Counsel. Respondent appeared personally and was represented by Jude Thaddeus A. Powers, Attorney at Law.

Oral and documentary evidence was received and the matter was submitted. The Administrative Law Judge finds the following facts:

I

Thomas McCrady made the Accusation in his official capacity as Deputy Real Estate Commissioner of the State of California.

II

At all relevant times, James Douglas Ambrose Jr. (hereinafter "respondent") held a real estate broker's license and currently has licensing rights under Part 1 of Division 4 of the California Business and Professions Code.

III

On March 31, 1989, in the Superior Court, County of Riverside, State of California (Case No. CR-31711), respondent pleaded guilty to two counts charging a violation of section 288(a) of the Penal Code (Lewd and Lascivious acts on a child under 14 years of age), a crime involving moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

Respondent was placed on formal probation for five years on the condition that he serve 180 days in the county jail. Respondent was also ordered to undergo therapy for as long as the therapist deemed necessary.

IV

The facts and circumstances surrounding the conviction were that respondent sexually molested his step-daughter and niece. Respondent admitted the molestations at an early stage of the criminal proceedings because he wanted to spare the children the trauma of having to testify in court. Further, respondent paid for therapy for his step-daughter and niece.

V

Respondent is extremely remorseful and has taken full responsibility for his conduct. Further, respondent successfully completed the therapy ordered by the court. Despite completing the therapy ordered by the court, respondent continues to receive substantial therapy and participates in group sessions at the Barbara Sinatra Children's Center. This center provides therapy and treatment for offenders in child sexual abuse cases.

Over the past three years, respondent has attended weekly therapy sessions at the center where he has been honest in examining his conduct. Further, respondent has gone beyond his personal rehabilitation by taking part in a program that educates his community to the issue of child sexual abuse. Finally, respondent has participated in numerous panels where he has revealed his thinking and behavior to professionals who are learning about child sexual abuse.

Respondent has shown courage by admitting his crime publicly in an effort to educate his community on the issue of child sexual abuse. Through these efforts, respondent has established significant rehabilitation.

VI

Respondent has been a licensee for many years with no previous disciplinary action taken against his license.

Respondent has suffered no other convictions. Based on respondent's honesty, demeanor and comportment at the hearing, it is clear that respondent can function well in a properly structured professional environment.

* * * * *

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

I

Grounds for disciplinary action against respondent's license and licensing rights exist under the provisions of Business and Professions Code sections 490 and 10177(b), for the conviction set forth in finding III.

II

Respondent has established rehabilitation to the extent that it would not be contrary to the public interest to allow respondent to retain his license under strict conditions.

* * * * *

WHEREFORE THE FOLLOWING ORDER is hereby made:

The real estate broker license and licensing rights previously issued to the respondent, James Douglas Ambrose Jr., are revoked; provided, however, that a restricted real estate broker's license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefore and pays to the Department the appropriate fee for said license within ninety (90) days from the effective date of the decision herein.

The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under the authority of section 10156.6 of said Code:

1. Respondent shall not be eligible to apply for the issuance of an unrestricted license, until three years have elapsed from the date of the issuance of the restricted license to respondent.

2. Respondent shall obey all laws of the United States, the State of California and all its political subdivisions, and all the rules and regulations of the Department of Real Estate.

NOT ADOPTED

3. Respondent shall, within nine (9) 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 an original 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

4. Respondent shall submit with his application for license under his employing broker, and with any subsequent application or transfer to a new employing broker, a statement signed by said employing broker which shall certify:

(a) That said broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That said broker will exercise close supervision over the performance of the restricted licensee of activities for which a real estate license is required.

5. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct, such information concerning respondent's activities for which a real estate license is required.

6. If the Commissioner determines, after giving respondent notice and an opportunity to be heard, that a violation of the conditions has occurred, the Commissioner may suspend or revoke the restricted license.

DATED: March 24, 1993

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

SACTO.
PLAS

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

JAN 26 1993

DEPARTMENT OF REAL ESTATE

BY

In the Matter of the Accusation of

JAMES DOUGLAS AMBROSE, JR.

Respondent

Case No. H-1336 SA

OAH No. L-57608

NOTICE OF HEARING ON ACCUSATION
(CONTINUED)

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 West First Street, Los Angeles, CA,

on February 25, 1993, at the hour of 9:00 a.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: January 26, 1993

cc: James Douglas Ambrose, Jr.
Jude Thaddeus A. Powers, Esq.
Sacto.

OAH
SR

RE 501 (1/92) vj

By

Marjorie P. Mersel
MARJORIE P. MERSEL, Counsel

*Sacto
Hoy*

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JUL -6 1992

DEPARTMENT OF REAL ESTATE

BY

Egil W. W.

In the Matter of the Accusation of

JAMES DOUGLAS AMBROSE, JR.,

Case No. H-1336 SA

OAH No. L-57608

Respondent

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 West First Street

Los Angeles, California 90012

on September 8, 1992, at the hour of 10:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DATED: July 6, 1992

DEPARTMENT OF REAL ESTATE

By

Marjorie P. Messel
Counsel

cc: James Douglas Ambrose, Jr.
Jude Thaddeus A. Powers, Esq.
OAH
Sacto
SR

RE 501 (1/92)

7/1/92
1 MARJORIE P. MERSEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 897-3937

FILED

APR -6 1992

DEPARTMENT OF REAL ESTATE

BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-1336 SA
12 JAMES DOUGLAS AMBROSE, JR.) A C C U S A T I O N
13 Respondent.)
14

15 The complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against JAMES DOUGLAS AMBROSE, JR., alleges as follows:

18 I.

19 The complainant, THOMAS McCrady, a Deputy Real Estate
20 Commissioner of the State of California, makes this accusation
21 in his official capacity.

22 II

23 JAMES DOUGLAS AMBROSE, JR. (hereinafter referred to as
24 respondent) is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business
26 and Professions Code).

1 III

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

6 IV

7 On or about March 31, 1989, in the Superior Court of
8 Riverside County, California, respondent pled guilty to and was
9 convicted of the crime of violating Penal Code Section 288(a)
10 (Lewd and Lascivious acts on child under 14 years), a felony and
11 a crime involving moral turpitude.

12 V

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

16 VI

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

21
22 WHEREFORE, Complainant prays that a hearing be
23 conducted on the allegations of this Accusation and that upon
24 proof thereof, a decision be rendered imposing disciplinary
25 action against all licenses and license rights of respondent,
26 JAMES DOUGLAS AMBROSE, JR., under the Real Estate Law (Part 1 of
27 Division 4 of the Business and Professions Code) and for such

1 other and further relief as may be proper under other applicable
2 provisions of law.

3 Dated at Santa Ana, California

4 this 6th day of April, 1992.

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THOMAS McCRADY

Deputy Real Estate Commissioner

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26 cc: James Douglas Ambrose, Jr.

Sacto

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