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FILED

JUL 17 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
WILLIAM BOYD GRAY, JR.,) No. H-1371 FR
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On October 29, 1998, an Order was rendered revoking the real estate salesperson license of Respondent, 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 January 26, 1999.

On July 17, 2006, 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 the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that he has undergone sufficient rehabilitation to warrant the reinstatement of his real estate salesperson license at this time.

1 The burden of proving rehabilitation rests with the
2 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
3 petitioner is required to show greater proof of honesty and
4 integrity than an applicant for first time licensure. The proof
5 must be sufficient to overcome the prior adverse judgment on the
6 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
7 395).

8 Respondent, despite being given opportunities to do so,
9 failed to provide character references attesting to Respondent's
10 rehabilitation. Further, Respondent failed to respond to
11 requests to provide additional evidence concerning his
12 rehabilitation. As a result, Respondent has otherwise failed to
13 present evidence of such rehabilitation.

14 Since Respondent has not established that he has
15 complied with Section 2911 of Title 10, California Code of
16 Regulations, I am not satisfied that Respondent is sufficiently
17 rehabilitated to receive an unrestricted real estate salesperson
18 license.

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1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of his real estate salesperson
3 license is denied.

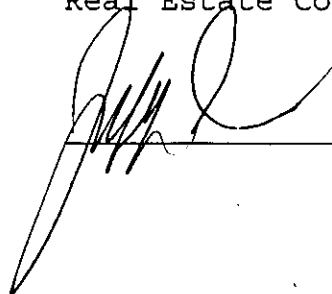
4 This Order shall become effective at 12 o'clock
5 noon AUG - 7 2008, 2008.

6 DATED: 7-1, 2008

8 JEFF DAVI

9 Real Estate Commissioner

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A handwritten signature in dark ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized with a large, looping 'J' and a cursive 'D'.

FILED

MAR 10 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

| | | |
|------------------------------------|---|----------------------|
| In the Matter of the Accusation of |) | No. H-1371 FRESNO |
| |) | |
| WILLIAM BOYD GRAY, JR., and |) | OAH NO. L-1998050093 |
| DARWIN JACK RAMSEY, JR., |) | |
| |) | |
| Respondent. |) | |

DECISION AFTER REJECTION

The matter came on for hearing before Leslie H. Greenfield, Administrative Law Judge of the Office of Administrative Hearings, in Bakersfield, California, on October 8, 1998.

David A. Peters, Counsel, represented Complainant.

Respondent DARWIN JACK RAMSEY, JR. (hereinafter "Respondent RAMSEY") was present and represented by his attorney of record, Ronald D. Dessy.

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

On October 14, 1998, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my Decision herein. Pursuant to Section 11517(c) of the Government

1 Code of the State of California, Respondent RAMSEY was served with
2 notice of my determination not to adopt the Proposed Decision of
3 the Administrative Law Judge along with a copy of said Proposed
4 Decision. Respondent RAMSEY was notified that the case would be
5 decided by me upon the record, the transcript of proceedings held
6 on October 8, 1998, and Respondent RAMSEY's written argument.

7 The following shall constitute the Decision of the Real
8 Estate Commissioner in this proceeding:

9 The Findings of Fact and Determination of Issues in the
10 Proposed Decision dated October 8, 1998, are hereby adopted as a
11 part of this Decision. The Order in the Proposed Decision is
12 modified as follows:

13 ORDER

14 A. The real estate broker license and all license
15 rights of Respondent RAMSEY under the Real Estate Law are revoked.

16 B. A restricted real estate broker license shall be
17 issued to Respondent RAMSEY pursuant to Business and Professions
18 Code Section 10156.5, if Respondent makes application therefor and
19 pays to the Department the appropriate fee for said license within
20 ninety (90) days from the effective date of this Order.

21 C. The restricted license issued to Respondent shall
22 be subject to all the provisions of Section 10156.7 of the
23 Business and Professions Code and to the following limitations,
24 conditions and restrictions imposed under authority of Section
25 10156.6 of that Code:

26 ///

27 ///

1 (1) The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real
3 Estate Commissioner in the event of Respondent's
4 conviction or plea of nolo contendere to a crime
5 which is substantially related to Respondent's
6 fitness or capacity as a real estate licensee.

7 (2) The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real
9 Estate Commissioner on evidence satisfactory to the
10 Commissioner that Respondent has violated
11 provisions of the California Real Estate Law, the
12 Subdivided Lands Law, Regulations of the Real
13 Estate Commissioner or conditions attaching to the
14 restricted license.

15 (3) Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor
17 for the removal of any of the conditions,
18 limitations or restrictions of a restricted license
19 until one (1) year has elapsed from the effective
20 date of this Decision.

21 D. Respondent shall, within nine (9) months from the
22 effective date of the Decision, present evidence satisfactory to
23 the Real Estate Commissioner that Respondent has, since the most
24 recent issuance of an original or renewal real estate license,
25 taken and successfully completed the continuing education
26 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
27 for renewal of a real estate license. If Respondent fails to

1 satisfy this condition, the Commissioner may order the suspension
2 of the restricted license until the Respondent presents such
3 evidence. The Commissioner shall afford Respondent the
4 opportunity for a hearing pursuant to the Administrative Procedure
5 Act to present such evidence.

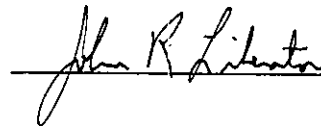
6 E. Respondent shall, within six (6) months from the
7 effective date of this Decision, take and pass the Professional
8 Responsibility Examination administered by the Department
9 including the payment of the appropriate examination fee. If
10 Respondent fails to satisfy this condition, the Commissioner may
11 order the suspension of Respondent's license until Respondent
12 passes the examination.

13 F. Any restricted real estate broker license issued to
14 Respondent may be suspended or revoked for a violation by
15 Respondent of any of the conditions attaching to the restricted
16 license.

17 This Order shall become effective at 12 o'clock noon
18 on March 31, 1999.

19 DATED: March 3, 1999

20 JOHN R. LIBERATOR
21 Acting Real Estate Commissioner

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1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
NOV - 6 1998

DEPARTMENT OF REAL ESTATE

Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

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|---|----------------------------------|
| 11 In the Matter of the Accusation of) | No. H-1371 FRESNO |
| 12 WILLIAM BOYD GRAY, JR. and) | OAH NO. L-1998050093 |
| 13 DARWIN JACK RAMSEY, JR.,) | <u>STIPULATION AND AGREEMENT</u> |
| 14 Respondents.) | |

15 It is hereby stipulated by and between
16 WILLIAM BOYD GRAY, JR. (hereinafter "Respondent GRAY") and his
17 attorney of record Ronald D. Dessy, and the Complainant, acting by
18 and through David A. Peters, Counsel for the Department of Real
19 Estate, as follows for purpose of settling and disposing of the
20 Accusation filed April 13, 1998 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 GRAY at a formal hearing on the Accusation, which hearing was to
24 be held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

H-1371 FRESNO

- 1 -

STIPULATION OF
WILLIAM BOYD GRAY, JR.

1 2. Respondent GRAY has received, read and understands
2 the Statement to Respondent, the Discovery Provisions of the APA
3 and the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On April 28, 1998, Respondent GRAY filed a Notice
6 of Defense pursuant to Section 11505 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent GRAY hereby freely and voluntarily
9 withdraws said Notice of Defense. Respondent GRAY acknowledges
10 that he understands that by withdrawing said Notice of Defense he
11 will thereby waive his right to require the Commissioner to prove
12 the allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he waives other
14 rights afforded to him in connection with the hearing such as the
15 right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interests of
19 expedience and economy, Respondent GRAY chooses not to contest
20 these allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated herein. The Real Estate Commissioner shall not
24 be required to provide further evidence to prove said factual
25 allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as his

1 Decision in this matter, thereby imposing the penalty and
2 sanctions on Respondent GRAY's real estate license and license
3 rights as set forth in the below "Order". In the event that the
4 Commissioner in his discretion does not adopt the Stipulation and
5 Agreement, it shall be void and of no effect, and Respondent shall
6 retain the right to a hearing and proceeding on the Accusation
7 under all the provisions of the APA and shall not be bound by any
8 admission or waiver made herein.

9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation and
11 Agreement shall not constitute an estoppel, merger or bar to any
12 further administrative or civil proceedings by the Department of
13 Real Estate with respect to any matters which were not
14 specifically alleged to be causes for accusation in this
15 proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions and
18 waivers and solely for the purpose of settlement of the pending
19 Accusation without hearing, it is stipulated and agreed that the
20 following determination of issues shall be made:

21 I

22 The acts and omissions of Respondent GRAY as described
23 in Paragraphs III through V of the Accusation are grounds for the
24 suspension or revocation of all the real estate licenses and
25 license rights of Respondent GRAY under the provisions of Section
26 10130 of the Business and Professions Code in conjunction with
27 Section 10177(d) of the Business and Professions Code.

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1 Estate Commissioner or conditions attaching to the
2 restricted license.

3 (3) Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor
5 for the removal of any of the conditions,
6 limitations or restrictions of a restricted license
7 until one (1) year has elapsed from the effective
8 date of this Decision.

9 (4) Respondent shall submit with any application for
10 license under an employing broker, or any
11 application for transfer to a new employing broker,
12 a statement signed by the prospective employing
13 real estate broker on a form approved by the
14 Department of Real Estate which shall certify:

15 (a) That the employing broker has read the
16 Decision of the Commissioner which granted the
17 right to a restricted license; and

18 (b) That the employing broker will exercise close
19 supervision over the performance by the
20 restricted licensee relating to activities for
21 which a real estate license is required.

22 D. Respondent GRAY shall, within nine (9) months from
23 the effective date of this Decision, present evidence satisfactory
24 to the Real Estate Commissioner that Respondent GRAY has, since
25 the most recent issuance of an original or renewal real estate
26 license, taken and successfully completed the continuing education
27 requirements of Article 2.5 of Chapter 3 of the Real Estate Law

1 for renewal of a real estate license. If Respondent GRAY fails to
2 satisfy this condition, the Commissioner may order the suspension
3 of the restricted license until the Respondent presents such
4 evidence. The Commissioner shall afford Respondent GRAY the
5 opportunity for a hearing pursuant to the Administrative Procedure
6 Act to present such evidence.

7 E. Respondent GRAY shall, within six (6) months from
8 the effective date of this Decision, take and pass the
9 Professional Responsibility Examination administered by the
10 Department including the payment of the appropriate examination
11 fee. If Respondent GRAY fails to satisfy this condition, the
12 Commissioner may order suspension of Respondent GRAY's license
13 until Respondent GRAY passes the examination.

14 F. Any restricted real estate salesperson license
15 issued to Respondent GRAY may be suspended or revoked for a
16 violation by Respondent GRAY of any of the conditions attaching to
17 the restricted license.

18 G. Any restricted real estate license issued to
19 Respondent GRAY pursuant to this Decision shall be suspended for
20 ninety (90) days from the date of issuance of said restricted
21 license; provided, however, that fifty (50) days of said
22 suspension shall be stayed for one (1) year upon the following
23 terms and conditions:

- 24 (1) Respondent shall obey all laws, rules and
25 regulations governing the rights, duties and
26 responsibilities of a real estate licensee in the
27 State of California.

1 (2) That no final subsequent determination be made,
2 after hearing or upon stipulation, that cause for
3 disciplinary action occurred within one (1) year
4 from the effective date of this Order. Should such
5 a determination be made, the Commissioner may, in
6 his discretion, vacate and set aside the stay order
7 and reimpose all or a portion of the stayed
8 suspension. Should no such determination be made,
9 the stay imposed herein shall become permanent.

10 (3) The remaining forty (40) days of said 90-day
11 suspension shall be stayed upon the condition that
12 Respondent petitions pursuant to Section 10175.2 of
13 the Business and Professions Code and upon
14 condition that:

15 (a) Respondent pays a monetary penalty pursuant to
16 Section 10175.2 of the Business and
17 Professions Code at the rate of \$250.00 for
18 each day of the suspension for a total
19 monetary penalty of \$10,000.00.

20 (b) Said payment shall be in the form of a
21 cashier's check or certified check made
22 payable to the Recovery Account of the Real
23 Estate Fund. Said check must be delivered to
24 the Department prior to the effective date of
25 the Order in this matter.

26 (c) No further cause for disciplinary action
27 against the real estate license of Respondent

occurs within one (1) year from the effective date of the decision in this matter.

(d) If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Order, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

(e) If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within one (1) year from the effective date of the Order the stay hereby granted shall become permanent.

10/2/98

DATED

David A. Peters

DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly,

1 intelligently, and voluntarily waive those rights, including the
2 right of requiring the Commissioner to prove the allegations in
3 the Accusation at a hearing at which I would have the right to
4 cross-examine witnesses against me and to present evidence in
5 defense and mitigation of the charges.

6
7 10-5-98

8 DATED

9 William B. Gray, Jr.
10 WILLIAM BOYD GRAY, JR.
11 Respondent

12 I have reviewed the Stipulation and Agreement as to form
13 and content and have advised my client accordingly.

14
15 10-5-98

16 DATED

17 Ronald D. Dessy
18 RONALD D. DESSY
19 Attorney for Respondent

20 * * *

21 The foregoing Stipulation and Agreement for Settlement
22 is hereby adopted by the Real Estate Commissioner as his Decision
23 and Order and shall become effective at 12 o'clock noon on
24 November 30, 1998.

25 IT IS SO ORDERED 10/29, 1998.

26 JIM ANTT, JR.
27 Real Estate Commissioner

Jim Antt, Jr.

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FILED
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DEPARTMENT OF REAL ESTATE

Lucie A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

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|------------------------------------|---|----------------------|
| In the Matter of the Accusation of |) | No. H-1371 FRESNO |
| |) | |
| WILLIAM BOYD GRAY, JR. and |) | OAH NO. L-1998050093 |
| DARWIN JACK RAMSEY, JR., |) | |
| |) | |
| Respondents. |) | |

NOTICE

TO: Respondent DARWIN JACK RAMSEY, JR. and RONALD D. DESSY,
Attorney at Law, representing Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision as to
Respondent DARWIN JACK RAMSEY, JR. only herein dated October 14,
1998, of the Administrative Law Judge is not adopted as the
Decision of the Real Estate Commissioner. A copy of the Proposed
Decision dated October 14, 1998, 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

1 October 14, 1998, and any written argument hereafter submitted on
2 behalf of Respondent and Complainant.

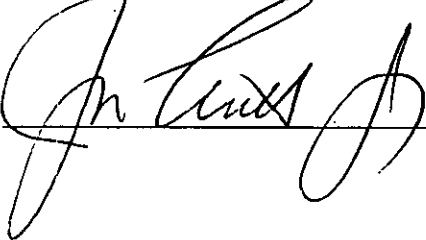
3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of October 14, 1998, at the Sacramento office
6 of the Department of Real Estate unless an extension of the time
7 is granted for good cause shown.

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

13 DATED: _____

10/29/98

14 JIM ANTT, JR.
15 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

| | |
|-----------------------------------|-----------------------|
| In the Matter of the Accusation) | |
| Against:) | |
| WILLIAM BOYD GRAY, JR. and) | No. H-1371 FRESNO |
| DARWIN JACK RAMSEY, JR.) | |
|) | OAH. No. L-1998050093 |
|) | |
| Respondents.) | |
|) | |

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, at Bakersfield, California, on October 8, 1998.

David A. Peters, Counsel, represented the complainant Department of Real Estate. Ronald D. Dessy, Attorney at Law, represented respondent Darwin Jack Ramsey, Jr. who was personally present throughout the trial. Respondent William Boyd Gray, Jr. having previously settled the accusation was not present or represented at the hearing and no Finding will be made regarding him except as they illuminate or explain the Findings regarding the remaining respondent.

At the hearing, complainant amended the accusation at Page 3, paragraph V, by deleting lines 20 and 21.

Oral and documentary evidence and evidence by way of stipulations made on the record having been received and the matter submitted, the Administrative Law Judge finds as follows:

1. M. Delores Ramos, made and filed the accusation in her official capacity as Deputy Real Estate Commissioner of the State of California.

2. Respondent Darwin Jack Ramsey, Jr. was originally licensed by Department as a Real Estate Broker in November, 1988. Said license expires January 7, 2001, and at all times herein pertinent was in full force and effect.

3. William Boyd Gray, was licensed by the Department as a Real Estate Salesman from at least January 1, 1993 until June 17, 1996 when his license expired. His license was renewed May 8, 1997 and expires May 7, 2001. At all times herein pertinent he was unlicensed.

4. Beginning on or after June 18, 1996 and continuing through on or before May 7, 1997, at a time when Gray's real estate license was expired, Gray, while in the employ of Respondent Ramsey, engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate salesperson, selling or offering to sell, buying or offering to buy, soliciting or obtaining listings of, or negotiating the purchase, sale or exchange of real property for or in expectation of compensation within the meaning of Business and Professions Code sections 10131)(a) and 10132.

5. The real estate activities conducted by Gray, include the following transactions:

| <u>DATE</u> | <u>BUYER</u> | <u>PROPERTY</u> |
|-------------|-------------------------------|---|
| 07/10/96 | Salgado/Garcia | 927 1/2 Water Street Bakersfield, CA |
| 07/26/96 | Tim/Ruth Riley | 8519 Blue Heron Drive Bakersfield, CA |
| 08/07/96 | Manuel Romero | 3633 Eisenhower Avenue Bakersfield, CA |
| 09/06/96 | Jose A. Martinez | 2133 Lake Street Bakersfield, CA |
| 12/15/96 | Joel DeLeon, Jr. | 6317 Quaking Aspen St. Bakersfield, Ca |
| 02/12/97 | Pedro Pena Gamez | 2114 Larcus Avenue Bakersfield, CA |
| 03/10/97 | Saul/Guadalupe Gonzalez | 1022 Oregon Street Bakersfield, Ca |
| 03/13/97 | Silveno Bertha Gutierrez | 1328 Jefferson Street Bakersfield, CA |
| 04/04/97 | Carlos Escoto- Quintanilla | 4512 Axminster Street Bakersfield, CA |
| 04/29/97 | Mario/Maria Garza | 1625 Crestmont Drive Bakersfield, CA |

6. Beginning on or after June 18, 1996, and continuing through on or before May 7, 1997, in connection with the real estate transaction described in Finding 5, Respondent Ramsey employed and compensated, directly or indirectly Gray to perform the acts requiring a real estate license at a time when Gray's real estate salesperson licensee was expired.

7. At various times beginning on or about June 18, 1996 and continuing through on or before May 7, 1997, respondent Ramsey failed to exercise reasonable supervision and control over Gray, in that Respondent Ramsey permitted Gray, a salesperson with an expired license, to conduct the real estate activities described in Finding 5. Respondent Ramsey failed to exercise reasonable supervision over the activities of Gray by failing to establish adequate policies, rules and procedures and systems to review, oversee, inspect and manage said activities.

8. Respondent first employed Gray in January, 1993. Subsequent to said employment, Gray received notification from the Department that his license was going to expire. Gray completed his continuing education requirements, however, his course work had expired at the time Gray took his exams. Respondent believed that Gray was properly fulfilling his requirements and was unaware that Gray's license had not been reissued. As soon as respondent became aware that Gray had not been relicensed, he discontinued allowing Gray to act as a salesperson. Thereafter, Gray timely completed his course requirements, passed the test and his license was reissued. Respondent has now established new policies, procedures, rules and systems to review, oversee, inspect and manage his salespersons and to prevent the reoccurrence of the events leading to the accusation.

9. Respondent has no other disciplinary actions pending against him, nor has he ever had a complaint filed against him or any of his employees by a member of the public during the period of his licensure

* * * * *

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

1. Grounds exist to discipline respondent's license pursuant to Business and Professions Code section 10137, based on Findings 4, 5 and 6.

2. Further grounds exist to discipline respondent's license pursuant to BPC section 10177(h) and 10 California Code of Regulations section 2725, based on Finding 7.

3. Due consideration has been given to all competent evidence of mitigation; the Board's guidelines; the events giving rise to the accusation; the seriousness of the event itself; and respondent's conduct before and since the event.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Ramsey under the Real Estate Law are suspended for a period of one year from the effective date of this decision; provided, however, that said suspension shall be stayed for one year and a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted licenses 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 authority of section 10156.6 of that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.
3. Respondents 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 a restricted license until one (1) year has elapsed from the effective date of this Decision.


*not
adapted*

4. Respondent shall, within nine months from the effective date of the Decision, present evidence satisfactory to the Real Estate commissioner that he has, since the most recent issuance of an original or renewal 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.
5. Respondent shall, within six 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.

*Not
adopted*

6. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while respondent holds a restricted license, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest. Such reports may include, but shall not be limited to periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

Dated October 14, 1998



Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

LHG:me

FILED
AUG 20 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laurie A. Zain

In the Matter of the Accusation of

WILLIAM BOYD GRAY, JR. and
DARWIN JACK RAMSEY, JR.

Case No. H-1371 FRESNO

OAH No. L-1998050093

Respondent

FIRST AMENDED
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 the
Bureau of Automotive Repairs, 4801 District Boulevard, Bakersfield,
CA 93309

on October 8 - 9, 1998, at the hour of 10:30 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 20, 1998

By David A. Peters
DAVID A. PETERS Counsel

FILED
MAY 13 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

Laurie A. Zain

In the Matter of the Accusation of

WILLIAM BOYD GRAY, JR. and
DARWIN JACK RAMSEY, JR.

Case No. H-1371 FRESNO

OAH No. L-1998050093

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 the

Bureau of Automotive Repairs, 4801 District Boulevard, Bakersfield,

CA 93309

on June 16 - 18, 1998, at the hour of 10:30 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: May 13, 1998

By

David A. Peters
DAVID A. PETERS

Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

FILED
APR 13 1998
DEPARTMENT OF REAL ESTATE

Lucille A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 WILLIAM BOYD GRAY, JR. and)
13 DARWIN JACK RAMSEY, JR.)
14 Respondents.)

No. H-1371 FRESNO
ACCUSATION

15 The Complainant, M. Dolores Ramos, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against WILLIAM BOYD GRAY, JR. (hereinafter "Respondent GRAY"),
18 and DARWIN JACK RAMSEY, JR. dba Fiesta Realty, Realty One, and
19 Renert Financial Sierra Mortgage (hereinafter "Respondent
20 RAMSEY"), is informed and alleges as follows:

21 I

22 The Complainant, M. Dolores Ramos, a Deputy Real Estate
23 Commissioner of the State of California, makes this accusation in
24 her official capacity.

25 II

26 Respondents GRAY and RAMSEY, are licensed and/or have
27 license rights under the Real Estate Law (Part 1 of Division 4 of



1 the Business and Professions Code) (hereinafter "the Code") as
2 follows:

3 WILLIAM BOYD GRAY, JR. - as a real estate salesperson.

4 DARWIN JACK RAMSEY, JR. - as a real estate broker.

5 III

6 Beginning on or about June 18, 1996 and continuing
7 through on or about May 7, 1997, Respondent GRAY's real estate
8 salesperson license was expired.

9 IV

10 Beginning on or after June 18, 1996 and continuing
11 through on or before May 7, 1997, at a time when Respondent GRAY's
12 real estate salesperson license was expired as described in
13 Paragraph III above, Respondent GRAY while in the employ of
14 Respondent RAMSEY, engaged in the business of, acted in the
15 capacity of, advertised, or assumed to act as a real estate
16 salesperson, selling or offering to sell, buying or offering to
17 buy, soliciting or obtaining listings of, or negotiating the
18 purchase, sale or exchange of real property for or in expectation
19 of a compensation within the meaning of Sections 10131(a) and
20 10132 of the Code.

21 V

22 The real estate sales activities conducted by Respondent
23 GRAY as described in Paragraph IV above, include, but are not
24 limited to, the following transactions:

25 ///

26 ///

27 ///



| | <u>DATE</u> | <u>BUYER</u> | <u>PROPERTY</u> |
|----|-------------|-------------------|-------------------------|
| 1 | | | |
| 2 | 07/10/96 | Salgado/Garcia | 927-1/2 Water Street |
| 3 | | | Bakersfield, California |
| 4 | 07/26/96 | Tim/Ruth Riley | 8519 Blue Heron Drive |
| 5 | | | Bakersfield, California |
| 6 | 08/07/96 | Manuel Romero | 3633 Eisenhower Avenue |
| 7 | | | Bakersfield, California |
| 8 | 09/06/96 | Jose A. Martinez | 2133 Lake Street |
| 9 | | | Bakersfield, California |
| 10 | 12/15/96 | Joel De Leon, Jr. | 6317 Quaking Aspen St. |
| 11 | | | Bakersfield, California |
| 12 | 02/12/97 | Pedro Pena Gamez | 2114 Larcus Avenue |
| 13 | | | Bakersfield, California |
| 14 | 03/10/97 | Saul/Guadalupe | 1022 Oregon Street |
| 15 | | Gonzalez | Bakersfield, California |
| 16 | 03/13/97 | Silveno/Bertha | 1328 Jefferson Street |
| 17 | | Gutierrez | Bakersfield, California |
| 18 | 04/04/97 | Carlos Escoto- | 4512 Axminister Street |
| 19 | | Quintanilla | Bakersfield, California |
| 20 | 04/17/97 | Jose Mendoza | 1010 McCurdy Drive |
| 21 | | | Bakersfield, California |
| 22 | 04/29/97 | Mario/Maria Garza | 1625 Crestmont Drive |
| 23 | | | Bakersfield, California |
| 24 | /// | | |
| 25 | /// | | |
| 26 | /// | | |
| 27 | /// | | |

| <u>DATE</u> | <u>SELLER</u> | <u>PROPERTY</u> |
|-------------|-------------------|-------------------------|
| 09/08/96 | Oscar Perez | 2133 Lake Street |
| | (Listing) | Bakersfield, California |
| 03/21/97 | Judith Lauderdale | 250 Olsen Avenue |
| | (Listing) | Shafter, California |
| 04/08/97 | Gary/Cindy Elmore | 432 Teakwood Drive |
| | (Listing) | Bakersfield, California |

VI

Beginning on or after June 18, 1996 and continuing through on or before May 7, 1997, in connection with the real estate sales activities described in Paragraph IV and V above, Respondent RAMSEY employed and compensated, directly or indirectly Respondent GRAY to perform acts requiring a real estate license at a time when Respondent GRAY's real estate salesperson license was expired.

VII

At various times beginning on or about June 18, 1996 and continuing through on or before May 7, 1997, Respondent RAMSEY failed to exercise reasonable supervision and control over the licensed activities of Respondent GRAY a real estate salesperson in his employ, in that Respondent RAMSEY permitted Respondent GRAY, a real estate salesperson with an expired real estate license, to conduct the real estate sales activities described in Paragraphs IV and V above. Respondent RAMSEY failed to exercise reasonable supervision over the activities of Respondent GRAY by failing to establish adequate policies, rules, procedures and systems to review, oversee, inspect and manage said activities.



VIII

The acts and/or omissions of Respondents GRAY and RAMSEY described above are grounds for the suspension or revocation of the licenses and/or license rights of Respondents GRAY and RAMSEY under the following sections of the Code and of Title 10, California Code of Regulations (hereinafter "Regulations"):

(1) As to Paragraphs IV and V, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code as to Respondent GRAY;

(2) As to Paragraph VI, under Section 10137 of the Code as to Respondent RAMSEY;

(3) As to Paragraph VII, under Section 10177(h) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code as to Respondent RAMSEY. In the alternative, the acts and/or omissions of Respondent RAMSEY described in Paragraph VII are grounds for the suspension or revocation of Respondent RAMSEY's license and/or license rights under Section 10177(g) of the Code.

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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 Respondents, under the Real Estate
5 law (Part 1 of Division 4 of the Business and Professions Code)
6 and for such other and further relief as may be proper under the
7 provisions of law.
8

9 M. Dolores Ramos
10 M. DOLORES RAMOS
11 Deputy Real Estate Commissioner

12 Dated at Fresno, California,
13 this 6th day of April, 1998.
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