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file*

OCT -4 1993

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

BY *[Signature]*

\* \* \* \*

In the Matter of the Accusation of )  
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 )  
 WILLIAM EDGAR CROWDER, )  
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 )  
 )  
 )  
 )  
 Respondent. )  
\_\_\_\_\_ )

No. H- 1532 SA  
L- 60941

DECISION

The Proposed Decision dated September 13, 1993 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 Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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.

This Decision shall become effective at 12 o'clock noon on October 25, 1993.

IT IS SO ORDERED September 30, 1993

CLARK WALLACE  
Real Estate Commissioner

*[Signature]*

BY: John R. Liberator  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	
	)	No. H-1532 SA
WILLIAM EDGAR CROWDER	)	
	)	OAH No. L-60941
Respondent.	)	
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	)	
	)	

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PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Lompoc, California, on August 4, 1993. Complainant was represented by Elliot Mac Lennon, Staff Counsel. Respondent appeared personally and represented himself. All jurisdictional requirements were met.

Oral and documentary evidence was received and the matter was left open to allow complainant to submit court records of a conviction not alleged in the Accusation. Complainant was also granted leave to file an Amended Accusation. The court records were received on August 20, 1993, and were marked and admitted as Exhibit "4". The Amended Accusation was received and included in the documents previously marked and admitted as Exhibit "1". Respondent was allowed to submit letters of reference. Said letters were received on August 20, 1993, and marked and received as Exhibit "A". 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, respondent was licensed by the Department of Real Estate as a real estate broker and has licensing rights under Part 1, Division 4, of the Business and Professions Code.

### III

A. On November 2, 1992, in the United States District Court for the Central District, (Case No. CR 90-810-ER) respondent was convicted by a jury verdict of thirty three counts of violating Title 18, United States Code, sections 1344 (Scheme to defraud bank), 1014 (False statements to bank and savings and loan in support of loan application), and 2(b) (causing the above acts to be done), all violations were crimes of moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

B. Respondent was sentenced to serve nine years in federal prison on counts 1 through 32. As to count 33, respondent was placed on probation for five years on certain conditions, including that respondent pay restitution in the amount of \$18,252,699.42.

### IV

A. On November 9, 1992, in the United States District Court for the Central District, (Case No. CR 91-133-A-MRP) respondent pleaded guilty to a charges of violating Title 18, United States Code sections 657 (misapplication of Savings and Loan funds) and 1006 (fraudulent participation in loan proceeds) crimes of moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

B. Respondent was sentenced to serve two years in federal prison on count 1, and was placed on probation for five years on count 2.

### V

The facts and circumstances of the convictions set forth in findings III and IV were that respondent submitted, or caused to be submitted, false documentation and tax returns to obtain financing for various real estate development projects. Respondent's assertion that an employee submitted these documents without respondent's knowledge or consent is not persuasive. In any event, this assertion is an impermissible collateral attack on the conviction.

### VI

The Administrative Law Judge has considered all evidence in mitigation and rehabilitation, including the letters of reference submitted on behalf of respondent. However, revocation is appropriate in this case because the felony convictions are recent and show a pattern of dishonest conduct on the part of respondent.

\* \* \* \* \*

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

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 findings III and IV.

\* \* \* \* \*

WHEREFORE THE FOLLOWING ORDER is hereby made:

The real estate broker's license and licensing rights, heretofore issued to respondent William Edgar Crowder, are hereby revoked.

DATED: September 13, 1993

*Humberto Flores*

HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings

SAC

1 DARLENE AVERETTA  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012  
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11 (213) 897-3937

FILED  
MAR 18 1993

DEPARTMENT OF REAL ESTATE  
BY C. Berg

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

11 In the Matter of the Accusation of ) No. H-1532 SA  
12 )  
13 WILLIAM EDGAR CROWDER, ) ACCUSATION  
14 )  
15 Respondent. )  
16 )

17 The Complainant, Thomas McCrady, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of accusation  
19 against WILLIAM EDGAR CROWDER (hereinafter Respondent), alleges as  
20 follows:

I

21 The Complainant, Thomas McCrady, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Accusation in  
23 his official capacity.

II

24 Respondent is presently licensed and/or has license  
25 rights under the Real Estate Law, Part 1 of Division 4 of the  
26 California Business and Professions Code (hereinafter the Code) as  
27 a real estate broker.

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III

At all times herein mentioned Respondent was licensed by the Department of Real Estate of the State of California.

IV

On or about November 9, 1992, in the United States District Court for the Central District of California, Respondent was convicted on his plea of guilty of one count of violating Section 657 of Title 18 of the United States Code (Misapplication of Savings and Loan Funds) and Section 1006 of Title 18 of the United States Code (Fraudulent Participation in Loan Proceeds), felonies and/or crimes involving moral turpitude which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

The crimes of which Respondent was convicted, as described in Paragraph IV, above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent, WILLIAM EDGAR CROWDER, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana, California  
this 18th day of March, 1993.

THOMAS McCRADY  
Deputy Real Estate Commissioner

cc: William Edgar Crowder  
Sacto.  
BH