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DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of JOSEPH ANTHONY MODIG, Respondent.	NO. H-1721 SD

ORDER GRANTING UNRESTRICTED LICENSE

On October 6, 1989, an Order was rendered herein denying the Respondent's application for a real estate license, 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 October 16, 1989, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On September 4, 2001, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

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

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of restrictions is granted and that a real estate salesperson license be issued to Respondent, if Respondent satisfies the following condition within nine months from the date of this Order:

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

This Order shall become effective immediately.

DATED: June 14, 2002

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of JOSEPH ANTHONY MODIG, Respondent.	No. H- 1721 SD **STIPULATION AND WAIVER**

I, JOSEPH ANTHONY MODIG, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on September 18, 1989, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver.

I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any

such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions Code.

I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

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

1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

   a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a 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 the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one year has elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

   a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

   b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for

which a license is required.

4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of issuance of the restricted license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

DATED this 19th day of September, 1989.

Joseph Anthony Modig

Respondent, JOSEPH ANTHONY MODIG

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

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent JOSEPH ANTHONY MODIG if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

DATED this 6th day of October, 1989.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

by: John R. Liberator

JOHN R. LIBERATOR
Chief Deputy Commissioner

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

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DEPARTMENT OF REAL ESTATE

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STATE OF CALIFORNIA

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In the Matter of the Application of JOSEPH ANTHONY MODIG, Respondent.	NO. H-1721 SD STATEMENT OF ISSUES

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, requires further proof of the honesty and truthfulness of JOSEPH ANTHONY MODIG (hereinafter referred to as respondent), in connection with respondent's application for a real estate salesperson license, filed on June 23, 1989, and in relation thereto, will consider the following:

I

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about June 23, 1989, with the

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knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

II

On or about September 4, 1986, in the Municipal Court of California, County of San Diego, San Diego Judicial District, respondent was convicted of violating penal Code Section 602(j) a crime involving moral turpitude.

III

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

IV

Respondent's conviction is grounds for denying respondent's application for a real estate license under Sections 480 and 10177(b) of the Business and Professions Code of the State of California.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

Dated at San Diego, California
this 18th day of September, 1989.

J. CHRIS GRAVES
Deputy Real Estate Commissioner

cc: Joseph Anthony Modig
Sacto.
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