

FILED

AUG 03 2000

DEPARTMENT OF REAL ESTATE

By Shelly Elzy

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-1837 SA

RICHARD LEE BEAUCHAMP,)

Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 23, 1995, an Order After Hearing was rendered herein 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 March 22, 1995, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On July 19, 1999, 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.

///

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

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

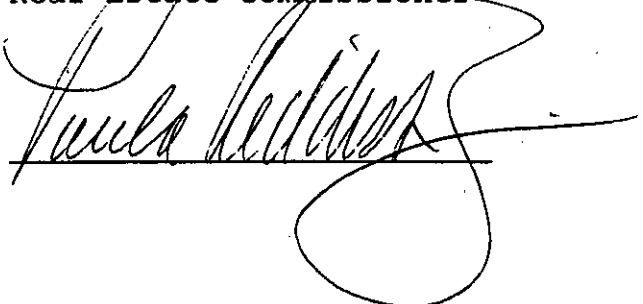
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

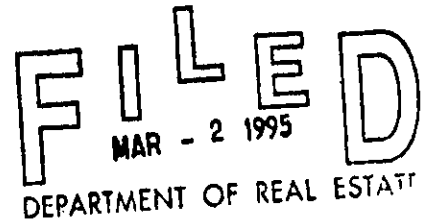
20 This Order shall be effective immediately.

21 DATED: July 7, 2000

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26
27

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



6 By C. Bay

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-1837 SA.
12 RICHARD LEE BEAUCHAMP,) L-9409157
13)
14 Respondent.)

15 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER AFTER HEARING

17 I, RICHARD LEE BEAUCHAMP, Respondent herein, do hereby
18 affirm that I have been licensed by the Department of Real
19 Estate as a real estate salesperson licensee since approximately
20 October 17, 1986.

21 I acknowledge that I have received and read the
22 Accusation filed by the Department of Real Estate on August 12,
23 1994, and the Statement to Respondent sent to me in connection
24 with the Accusation.

25 I hereby admit that all the allegations of the
26 Accusation filed against me are true and correct.

1 I further acknowledge that the Real Estate
2 Commissioner held a hearing on this Accusation on October 25,
3 1994, before the Office of Administrative Hearings, for the
4 purpose of proving the allegations therein. I was present at
5 the hearing, represented myself, and participated therein.
6 Further, I have had an opportunity to read and review the
7 Proposed Decision of the Administrative Law Judge wherein it was
8 determined that cause exists to impose discipline on my real
9 estate salesperson license.

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

18 I further understand that by signing this Stipulation
19 and Agreement in Settlement and Order After Hearing, I am
20 waiving my right to obtain a dismissal of the Accusation through
21 proceedings under Government Code Section 11517(c) if this
22 Stipulation is accepted by the Real Estate Commissioner.
23 However, I also understand that I am not waiving my rights to
24 further proceedings to obtain a dismissal of the Accusation if
25 this Stipulation and Agreement in Settlement and Order After
26 Hearing is not accepted by the Real Estate Commissioner.

27 I hereby request that the Real Estate Commissioner, in
his discretion, adopt the Proposed Decision of the

Administrative Law Judge with the exception that Paragraph 9, of
the Order, be deleted.

Dated:

FEBRUARY 03, 1995

Richard Lee Beauchamp
RICHARD LEE BEAUCHAMP
Respondent

Dated:

2/7/95

Christopher K.D. Leong
CHRISTOPHER K.D. LEONG
Counsel for Complainant

I have read the Accusation filed herein,
the Proposed Decision of the Administrative Law Judge dated
November 2, 1994, and the foregoing Stipulation and Agreement
signed by Respondent. I am satisfied 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 the Proposed
Decision dated November 2, 1994, of the Administrative Law
Judge, is adopted in its entirety, except Paragraph 9 of the
Order.

This Decision shall become effective at 12 o'clock
noon on March 22, 1995.

IT IS SO ORDERED

February 23, 1995

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of:)

RICHARD LEE BEAUCHAMP,

Respondent.

) Agency No. H-1837 SA

) OAH No. L-9409157

PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Office of Administrative Hearings, in Los Angeles, California, on October 25, 1994.

Complainant was represented by Christopher K.D. Leong, Staff Counsel.

Respondent Richard Lee Beauchamp (hereinafter "Respondent") appeared personally and represented himself in propria persona.

Evidence was received and the matter deemed submitted on October 25, 1994.

* * * * *

FINDINGS OF FACT

The Administrative Law Judge finds the following facts:

1. Steven J. Ellis made and filed the Accusation in his official capacity as a Deputy Real Estate Commissioner.

2. At all times relevant herein, Respondent has been licensed as a real estate salesperson (License No. 00936925) by the Department of Real Estate (hereinafter "Department"). His license is in full force and effect.

3. On November 13, 1992, in the Superior Court of the State of California, County of Riverside, in People v. Richard Lee Beauchamp, Case Number CR-42889, Respondent was convicted, on a plea of guilty, of violating Health and Safety Code section 11358 (Cultivation of Marijuana), a felony, and crime of moral turpitude (Rice v. Alcoholic Beverage etc. Appeals Bd. (1979) 89 Cal.App.3d 30, 47-48 (152 Cal.Rptr. 285); Brandt v. Fox (1979) 90 Cal.App.3d 737 (153 Cal.Rptr. 683)) substantially related to the duties, functions, and qualifications of a departmental licensee. (Golde v. Fox (1979) 98 Cal.App.3d 167, 178 (159 Cal.Rptr. 864)).

Respondent was sentenced to three years formal probation, and ordered, inter alia, to obey all laws, serve two days in the county jail and perform community service.

4. The facts and circumstances underlying Respondent's conviction are, as follows: On May 28, 1991, Respondent willfully and unlawfully planted and cultivated marijuana in a barn behind his residence.

A. At the time of his arrest, May 28, 1991, he was in possession of 288 marijuana plants at various stages of early cultivation.

B. In addition to the discovery of 288 plants, police found two shotguns and a handgun in Respondent's residence, \$1,220.00 in cash, and scales.

5. Respondent denies any involvement in the sales of marijuana. This denial is credible in that he had only recently built the barn in which the plants had been planted and cultivated and the timely intervention of police prevented Respondent from such additional criminal misconduct.

6. Respondent, although not practicing real estate, seeks to maintain his license in order to provide, at some future time, a source of income for himself and his family.

Circumstances of Mitigation

7. Respondent, 35, is a fulltime student at San Bernardino Valley College studying legal administration. He is an honors student and intends to be an attorney.

8. Respondent supports himself and his two children, ages 10 and 12. He shares custody of his children with his former wife.

9. Respondent is active in community affairs, coaching karate and baseball.

10. Respondent has complied with all conditions of his probation. He has paid all fines and fees and been tested for the use of controlled substances with negative results.

11. Respondent submitted character evidence in the form of letters relative to his laudable study habits and honesty, some of which reflected familiarity with Respondent's misconduct. In addition, Respondent has participated in counseling and therapy.

12. Respondent's criminal conduct, as set forth in Finding No. 4, is more than two years old.

13. Respondent possesses insight into the import of his conduct and expresses remorse for the impact on himself and his family.

14. Respondent no longer uses illegal drugs.

15. Respondent appeared candid and eager to start a life more responsibly directed to his and his son's futures.

Additional Findings re Penalty

16. Although having paid his fine and served his sentence in the county jail, Respondent remains on probation for his conviction.

17. Respondent, prior to his conviction, had a long history of substance abuse involving marijuana.

18. Respondent, at the time of his arrest and conviction, possessed a Department license as set forth in Finding No. 2.

* * * * *

DETERMINATION OF ISSUES

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

1. Cause exists to discipline Respondent's license under sections 490 and 10177(b) of the Business and Professions Code for a crime involving moral turpitude and substantially related to the qualifications, functions or duties of a departmental licensee as set forth in Finding Nos. 3 and 4.

2. Respondent is partially rehabilitated as set forth in Finding Nos. 7, 8, 9, 10, 11, 12, 13, 14 and 15.

The objective of a disciplinary proceeding is to protect the public, the profession, maintain professional integrity, its high standards, and preserve public confidence in the real estate profession and its professionals. These proceedings are not for the primary purpose of punishing an individual, including Respondent. Camacho v. Youde (1979) 95 Cal.App.3d 161, 165.

The key concern in arriving at a disciplinary recommendation is the degree to which the public needs protection from Respondent. Mephram v. State Bar (1986) 42 Cal.3d 943, 948; In the Matter of Rodriguez (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 480, 501.

As set forth in Finding No. 5, the timely intervention of police prevented the perpetration by Respondent of any marijuana sales. The prepatory conduct of Respondent, however, is not elevated to perpetration and does not establish a proper basis upon which to discipline Respondent. Nevertheless, giving due consideration to the facts and circumstances underlying the Accusation set forth in Finding Nos. 3 and 4 and the penalty considerations set forth in Finding Nos. 16, 17 and 18, against the substantial evidence of rehabilitation set forth in Finding Nos. 7 - 15, the public interest will not be adversely affected by the continued issuance of a properly conditioned license to Respondent. (Cf. In the Matter of Lazarus (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387, 402). With such a conditioned license, a period of suspension is mandated to fully impress upon Respondent the significance the Department attaches to the criminal misconduct of its licensees. This period should allow Respondent a sufficient respite from any licensed activities to devote his attention to fully comprehend the import of Department licensure on illegal activities and to allow Respondent to be fully capable of complying with the terms and conditions of the Decision.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson license and license rights previously issued to the Respondent, Richard Lee Beauchamp (real estate salesperson's license no. 00936925) are revoked; provided, however, within 90 days from the effective date of this Decision, Respondent shall apply for a restricted real estate salesperson's license which shall be issued to Respondent pursuant to section 10156.7 of the Business and Professions Code, Respondent shall, together with such application, pay to the Department of Real Estate the appropriate fee for the restricted license. 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 the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that code:

1. The restricted real estate license issued to Respondent pursuant to this Decision shall be suspended for 30 days from the date of issuance of said restricted license.

2. The restricted license issued to respondent may be further suspended following 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.

3. The restricted license issued to respondent may be further suspended following 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, the Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

4. 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 shall order suspension of Respondent's license until Respondent passes the examination.

5. 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 or a restricted license until two years have elapsed from the effective date of this Decision.

6. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement, signed by the prospective employing real estate broker, on a form approved by the Department of Real Estate which shall certify:

a. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

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

7. Respondent shall, at his own expense, report in writing to the Department as the Commissioner shall direct 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.

8. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent renewal real estate 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.

Not adopted

9. Upon full compliance with the terms and conditions set forth herein and upon the expiration of the two year period, Respondent's license shall be fully restored; provided, however, in the event he violates, or fails to comply with, any of the terms and conditions of the restricted license, the Commissioner may, after notice to Respondent and an opportunity to be heard, in accordance with section 494 of the Business and Professions Code or the Administrative Procedure Act, terminate this order granting a restricted license and set aside the order staying revocation, or make such other orders modifying or changing the terms and conditions herein, as deemed just and reasonable.

Dated: November 2, 1994


JAIME RENÉ ROMÁN
Administrative Law Judge
Office of Administrative Law

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FILED
DEC - 2 1994
DEPARTMENT OF REAL ESTATE

By LBey

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
RICHARD LEE BEAUCHAMP,)
Respondent.)

NO. H-1837 SA
L-09157

NOTICE

TO: RICHARD LEE BEAUCHAMP, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 2, 1994, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 2, 1994, is attached for your information.

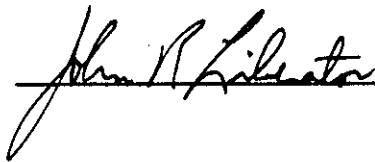
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 25, 1994, and any written argument hereafter submitted on behalf of respondent and complainant.

1 Written argument of respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of October 25, 1994, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

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

11 DATED: November 21, 1994

12 JOHN R. LIBERATOR
13 Interim Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)

RICHARD LEE BEAUCHAMP,

Respondent.

) Agency No. H-1837 SA

) OAH No. L-9409157

PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Office of Administrative Hearings, in Los Angeles, California, on October 25, 1994.

Complainant was represented by Christopher K.D. Leong, Staff Counsel.

Respondent Richard Lee Beauchamp (hereinafter "Respondent") appeared personally and represented himself in propria persona.

Evidence was received and the matter deemed submitted on October 25, 1994.

* * * * *

FINDINGS OF FACT

The Administrative Law Judge finds the following facts:

1. Steven J. Ellis made and filed the Accusation in his official capacity as a Deputy Real Estate Commissioner.

2. At all times relevant herein, Respondent has been licensed as a real estate salesperson (License No. 00936925) by the Department of Real Estate (hereinafter "Department"). His license is in full force and effect.

3. On November 13, 1992, in the Superior Court of the State of California, County of Riverside, in People v. Richard Lee Beauchamp, Case Number CR-42889, Respondent was convicted, on a plea of guilty, of violating Health and Safety Code section 11358 (Cultivation of Marijuana), a felony, and crime of moral turpitude (Rice v. Alcoholic Beverage etc. Appeals Bd. (1979) 89 Cal.App.3d 30, 47-48 (152 Cal.Rptr. 285); Brandt v. Fox (1979) 90 Cal.App.3d 737 (153 Cal.Rptr. 683)) substantially related to the duties, functions, and qualifications of a departmental licensee. (Golde v. Fox (1979) 98 Cal.App.3d 167, 178 (159 Cal.Rptr. 864)).

Respondent was sentenced to three years formal probation, and ordered, inter alia, to obey all laws, serve two days in the county jail and perform community service.

4. The facts and circumstances underlying Respondent's conviction are, as follows: On May 28, 1991, Respondent willfully and unlawfully planted and cultivated marijuana in a barn behind his residence.

A. At the time of his arrest, May 28, 1991, he was in possession of 288 marijuana plants at various stages of early cultivation.

B. In addition to the discovery of 288 plants, police found two shotguns and a handgun in Respondent's residence, \$1,220.00 in cash, and scales.

5. Respondent denies any involvement in the sales of marijuana. This denial is credible in that he had only recently built the barn in which the plants had been planted and cultivated and the timely intervention of police prevented Respondent from such additional criminal misconduct.

6. Respondent, although not practicing real estate, seeks to maintain his license in order to provide, at some future time, a source of income for himself and his family.

Circumstances of Mitigation

7. Respondent, 35, is a fulltime student at San Bernardino Valley College studying legal administration. He is an honors student and intends to be an attorney.

8. Respondent supports himself and his two children, ages 10 and 12. He shares custody of his children with his former wife.

9. Respondent is active in community affairs, coaching karate and baseball.

10. Respondent has complied with all conditions of his probation. He has paid all fines and fees and been tested for the use of controlled substances with negative results.

11. Respondent submitted character evidence in the form of letters relative to his laudable study habits and honesty, some of which reflected familiarity with Respondent's misconduct. In addition, Respondent has participated in counseling and therapy.

12. Respondent's criminal conduct, as set forth in Finding No. 4, is more than two years old.

13. Respondent possesses insight into the import of his conduct and expresses remorse for the impact on himself and his family.

14. Respondent no longer uses illegal drugs.

15. Respondent appeared candid and eager to start a life more responsibly directed to his and his son's futures.

Additional Findings re Penalty

16. Although having paid his fine and served his sentence in the county jail, Respondent remains on probation for his conviction.

17. Respondent, prior to his conviction, had a long history of substance abuse involving marijuana.

18. Respondent, at the time of his arrest and conviction, possessed a Department license as set forth in Finding No. 2.

* * * * *

DETERMINATION OF ISSUES

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

1. Cause exists to discipline Respondent's license under sections 490 and 10177(b) of the Business and Professions Code for a crime involving moral turpitude and substantially related to the qualifications, functions or duties of a departmental licensee as set forth in Finding Nos. 3 and 4.

2. Respondent is partially rehabilitated as set forth in Finding Nos. 7, 8, 9, 10, 11, 12, 13, 14 and 15.

The objective of a disciplinary proceeding is to protect the public, the profession, maintain professional integrity, its high standards, and preserve public confidence in the real estate profession and its professionals. These proceedings are not for the primary purpose of punishing an individual, including Respondent. Camacho v. Youde (1979) 95 Cal.App.3d 161, 165.

The key concern in arriving at a disciplinary recommendation is the degree to which the public needs protection from Respondent. Mephram v. State Bar (1986) 42 Cal.3d 943, 948; In the Matter of Rodriguez (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 480, 501.

As set forth in Finding No. 5, the timely intervention of police prevented the perpetration by Respondent of any marijuana sales. The prepatory conduct of Respondent, however, is not elevated to perpetration and does not establish a proper basis upon which to discipline Respondent. Nevertheless, giving due consideration to the facts and circumstances underlying the Accusation set forth in Finding Nos. 3 and 4 and the penalty considerations set forth in Finding Nos. 16, 17 and 18, against the substantial evidence of rehabilitation set forth in Finding Nos. 7 - 15, the public interest will not be adversely affected by the continued issuance of a properly conditioned license to Respondent. (Cf. In the Matter of Lazarus (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387, 402). With such a conditioned license, a period of suspension is mandated to fully impress upon Respondent the significance the Department attaches to the criminal misconduct of its licensees. This period should allow Respondent a sufficient respite from any licensed activities to devote his attention to fully comprehend the import of Department licensure on illegal activities and to allow Respondent to be fully capable of complying with the terms and conditions of the Decision.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

adopted

The real estate salesperson license and license rights previously issued to the Respondent, Richard Lee Beauchamp (real estate salesperson's license no. 00936925) are revoked; provided, however, within 90 days from the effective date of this Decision, Respondent shall apply for a restricted real estate salesperson's license which shall be issued to Respondent pursuant to section 10156.7 of the Business and Professions Code, Respondent shall, together with such application, pay to the Department of Real Estate the appropriate fee for the restricted license. 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 the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that code:

1. The restricted real estate license issued to Respondent pursuant to this Decision shall be suspended for 30 days from the date of issuance of said restricted license.

2. The restricted license issued to respondent may be further suspended following 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.

3. The restricted license issued to respondent may be further suspended following 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, the Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

4. 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 shall order suspension of Respondent's license until Respondent passes the examination.

5. 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 or a restricted license until two years have elapsed from the effective date of this Decision.

6. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement, signed by the prospective employing real estate broker, on a form approved by the Department of Real Estate which shall certify:

a. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

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

7. Respondent shall, at his own expense, report in writing to the Department as the Commissioner shall direct 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.

8. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent renewal real estate 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.

not adopted

9. Upon full compliance with the terms and conditions set forth herein and upon the expiration of the two year period, Respondent's license shall be fully restored; provided, however, in the event he violates, or fails to comply with, any of the terms and conditions of the restricted license, the Commissioner may, after notice to Respondent and an opportunity to be heard, in accordance with section 494 of the Business and Professions Code or the Administrative Procedure Act, terminate this order granting a restricted license and set aside the order staying revocation, or make such other orders modifying or changing the terms and conditions herein, as deemed just and reasonable.

Dated: November 2, 1994



JAIME RENÉ ROMÁN
Administrative Law Judge
Office of Administrative Law

Sacto

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

In the Matter of the Accusation of) Case No. H-1837 SA
)
RICHARD LEE BEAUCHAMP,) OAH No. L-09157
)
_____) Respondent(s)

FILED
OCT 05 1994

NOTICE OF HEARING ON ACCUSATION DEPARTMENT OF REAL ESTATE

To the above-named Respondent(s):

By Raquel B. Pera

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on Tuesday, October 25, 1994, 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: October 5, 1994

By Chris Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Richard Lee Beauchamp
✓ Sacto.
OAH
SR

RBR

RE 501 (La Mac 11/92)

CHRISTOPHER K.D. LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
AUG 12 1994
DEPARTMENT OF REAL ESTATE

By C. Sany

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1837 SA
RICHARD LEE BEAUCHAMP,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RICHARD LEE BEAUCHAMP (hereinafter "Respondent"), is informed and alleges as follows:

I

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

II

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

III

Respondent has been and now is licensed by the Department of Real Estate of the State of California as a real estate salesperson since said license was issued on October 17, 1990.

IV

On or about November 13, 1992, in the Riverside County Superior Court, California, Respondent was convicted of violation of Section 11358 of the Health and Safety Code (Cultivation of marijuana), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a licensee.

V

Respondent's criminal conviction, as alleged above, in Paragraph IV, is cause under Sections 10177(b) and 490 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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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 RICHARD LEE BEAUCHAMP, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code), and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Santa Ana, California
10 this 12th day of August, 1994.

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13 THOMAS MCCRADY
14 _____
15 Deputy Real Estate Commissioner
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25 cc: Richard Lee Beauchamp
26 Sacto.
27 SR