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FILED  
AUG 09 2006

DEPARTMENT OF REAL ESTATE

By Juan Arroyo

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of) No. H-2012 SA  
CHARLES DAVID CROWDER, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 27, 1995, a Decision was rendered herein revoking the real estate broker license of Respondent effective October 25, 1995, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 21, 1995, and Respondent has operated as a restricted licensee since that time.

On June 22, 2005, Respondent petitioned for reinstatement of said real estate broker 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. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate broker license and that it would not be  
6 against the public interest to issue said license to Respondent.

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

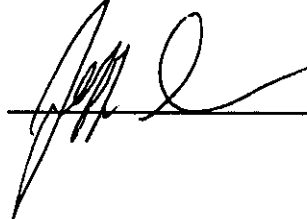
12 1. Submittal of a completed application and payment of  
13 the fee for a real estate broker license.

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

19 This Order shall be effective immediately.

20 DATED: \_\_\_\_\_

21 JEFF DAVI  
22 Real Estate Commissioner

23   
24 \_\_\_\_\_  
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**FILED**  
OCT 05 1995

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Raquel G. Arbolada

\* \* \* \* \*

In the Matter of the Accusation of	)	No. H-2012 SA
	)	
CHARLES DAVID CROWDER,	)	L-9506159
	)	
Respondent.	)	
_____	)	

DECISION

The Proposed Decision dated September 6, 1995, 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, 1995.

IT IS SO ORDERED 9-27-95

JIM ANTT, JR.  
Real Estate Commissioner

*J. Antt Jr.*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
of: )  
CHARLES DAVID CROWDER, ) No. H-2012 SA  
Respondent. ) OAH No. L-9506159

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PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on September 5, 1995.

Complainant was represented by Margorie P. Mersel, Staff Counsel. Respondent Charles David Crowder appeared personally and represented himself. All jurisdictional requirements have been met.

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

I

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

II

At all relevant times, 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 December 17, 1993, in the Superior Court of California, County of San Bernardino, (Case No. FBA00646) respondent pleaded guilty to one count charging a violation section 273(d) of the Penal Code (battery with serious bodily injury), a crime substantially related to the duties, functions and qualifications of a departmental licensee.

B. Respondent was placed on formal probation for five years on certain conditions, including the condition that he serve 180 days in the county jail and pay restitution to the victim in the amount of \$11,095.

#### IV

The facts and circumstances of the conviction were that respondent seriously beat his girl friend after they had spent the day at a lake in May 1993. Respondent had consumed approximately a case of beer that day and was quite drunk. When respondent returned to the cabin that he had rented, he found his girl friend being sexually intimate with another man. At that point respondent lost all control and beat his girl friend to such an extent that she required hospitalization.

#### V

Respondent is extremely remorseful and has taken full responsibility for his actions. Since the incident, respondent joined alcoholics anonymous and has not consumed any type of alcoholic beverage. He continues to attend regular AA meetings.

Respondent has also sought and regularly attended therapy sessions to deal with his anger so that respondent never again exhibits this type of violent behavior.

It is also noted that respondent has thus far complied with all conditions of his probation, including his restitution payments.

#### VI

The seriousness of respondent's conviction clearly dictates that discipline is appropriate in this case. However, the evidence of mitigation and rehabilitation, as well as respondent's honesty and comportment at the hearing, show that recidivism is unlikely. Based on the evidence in this case, the public would be adequately protected by revoking respondent's license and issuing a restricted license under probationary terms.

### DETERMINATION OF ISSUES

#### I

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

II

Respondent has established rehabilitation to the extent that a restricted license is appropriate in this case.

ORDER

All licenses and licensing rights of respondent Charles David Crowder under the Real Estate Law are revoked; provided, however, 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 license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under 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. 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 of a restricted license until two years have elapsed from the effective date of this Decision.
4. 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 issuance of an original or 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.

5. 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 the restricted license is in effect, 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.
  
6. Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and period summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

DATED: September 26, 1995

*Humberto Flores*

HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

FILE [ JUN 30 1995 DEPARTMENT OF REAL ESTATE

Sacto  
Sacto

In the Matter of the Accusation of )  
 )  
 CHARLES DAVID CROWDER, )  
 )  
 )  
 \_\_\_\_\_ )  
 Respondent (s)

Case No. H-2012 SA  
OAH No. L-9506159 By Raquel P. [Signature]

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent (s):

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, September 5, 1995, at the hour of 1:30 P.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: June 30, 1995

By Marjorie P. Merse  
MARJORIE P. MERSEL, Counsel

cc: Charles David Crowder  
✓ Sacto.  
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MARJORIE P. MERSEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012  
  
(213) 897-3937

**FILED**  
MAY 16 1993  
DEPARTMENT OF REAL ESTATE

By *Raquel B. Pera*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	<b>A C C U S A T I O N</b>
CHARLES DAVID CROWDER, )	
Respondent(s). )	H-2012 SA

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against CHARLES DAVID CROWDER aka Chuck David Crowder (hereinafter "Respondent"), is informed and alleges as follows:

I

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 "Code"). At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

II

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation

1 against Respondent in his official capacity.

2 III

3 On or about December 17, 1993, in the San Bernardino  
4 County Superior Court, Barstow Division, Respondent pled guilty  
5 to and was convicted of the crime of violating Penal Code Section  
6 243(d) (Battery with great bodily harm), a felony and a crime  
7 involving moral turpitude which is substantially related to the  
8 qualifications, functions or duties of a real estate licensee.

9 IV

10 The crime of which Respondent was convicted, as  
11 described in Paragraph III, above, constitutes cause under  
12 Sections 490 and 10177(b) of the Code for suspension or revocation  
13 of all licenses and license rights of Respondent under the Real  
14 Estate Law.

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

22 Dated at Santa Ana, California

23 this 16th day of May, 1995.

24 THOMAS McCRADY

Deputy Real Estate Commissioner

25 cc: Chuck David Crowder  
26 SR  
27 Sacto