

FILED  
DEC 21 1995

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By *K. Michael*

\* \* \* \* \*

In the Matter of the Accusation of )

No. H-2031 SA

DONALD JAY HESS, )

Respondent(s). )

DECISION

The Proposed Decision dated November 27, 1995, of Randolph Brendia, Regional Manager, Department of Real Estate, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on January 10, 1996.

IT IS SO ORDERED

12/12/95

JIM ANTT, JR.  
Real Estate Commissioner

*Jim Antt Jr*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )           No. H-2031 SA  
  )  
          DONALD JAY HESS,                    )  
  )  
  Respondent.                            )  
\_\_\_\_\_)

PROPOSED DECISION

This matter was presided over as an uncontested case by Randolph Brendia, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California on November 27, 1995.

James R. Peel, Counsel, represented the complainant.

No appearance was made by or on behalf of respondent DONALD JAY HESS. On proof of compliance with Government Code Section 11505, the matter proceeded as a default pursuant to Government Code Section 11520.

The following Decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

DONALD JAY HESS (hereinafter referred to as 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).

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate broker. Effective March 30, 1993, the real estate broker license of respondent was suspended as a result of the Decision in Case No. H-1457 SA.

Said suspension was stayed for 3 1/2 years subject to terms and conditions.

IV

Respondent, an attorney in the State of California, in State Bar Court Case Nos. 92-0-14063 and 92-0-14064, filed August 31, 1994, was suspended from the practice of law for a period of one year and until he makes restitution.

DETERMINATION OF ISSUES

I

The conduct of respondent, as found above, is grounds to suspend or revoke the license and license rights of respondent pursuant to Section 10177(f) of the Code.

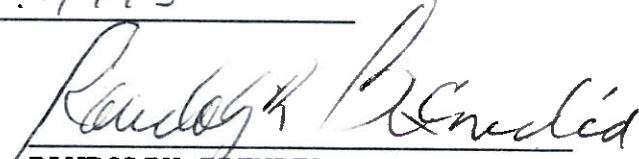
II

The standard of proof applied at the hearing was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and license rights of respondent DONALD JAY HESS under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

DATED: 27 Nov. 1995

  
RANDOLPH BRENDIA

Regional Manager

Department of Real Estate

*facts  
page*

1 JAMES R. PEEL, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012

5 (213) 897-3937  
6  
7  
8

**FILED**  
MAY 12 1995  
DEPARTMENT OF REAL ESTATE

By *K. Friederholt*

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Accusation of ) No. H-2031 SA  
13 DONALD JAY HESS, ) ACCUSATION  
14 Respondent. )  
\_\_\_\_\_ )

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against DONALD JAY HESS, alleges as follows:

18 I

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

22 II

23 DONALD JAY HESS (hereinafter referred to as respondent)  
24 is presently licensed and/or has license rights under the Real  
25 Estate Law (Part 1 of Division 4 of the Business and Professions  
26 Code, hereinafter Code).

27 /

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate as a real estate broker. Effective March 30, 1993, the real estate broker license of respondent was suspended as a result of the Decision in Case No. H-1457 SA. Said suspension was stayed for 3 1/2 years subject to terms and conditions.

IV

Respondent, an attorney in the State of California, in State Bar Court Case Nos. 92-0-14063 and 92-0-14064, filed August 31, 1994, was suspended from the practice of law for a period of one year and until he makes restitution.

V

The matter set forth above is grounds to suspend or revoke all real estate licenses and license rights of respondent under Section 10177(f) of the Business and Professions Code of the State of California.

/

/

/

/

---

/

/

/

/

/

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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 licenses and license rights of Respondent DONALD JAY HESS 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 12th day of May, 1995.

THOMAS MC CRADY  
Deputy Real Estate Commissioner

cc: Donald Jay Hess  
Sacto  
MCL