

FILED
JUN - 7 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FRANKLIN ROSS GRANO,) NO. H-2158 SD
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 12, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 8, 1998, an Order was rendered herein
denying reinstatement of said real estate salesperson 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 December 1, 1998,
and Respondent has operated as a restricted licensee since that
date.

On May 4, 2001, Respondent petitioned for reinstatement
of said real estate salesperson license, and the Attorney General

1 of the State of California has been given notice of the filing of
2 said petition.

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

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

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

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

22 This Order shall be effective immediately.

23 DATED: May 13, 2002.

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner
26
27

FILED
SEP 27 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FRANKLIN ROSS GRANO,)
Respondent.)

No. H-2158 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On December 12, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 8, 1998, an Order was rendered herein
denying reinstatement of said real estate salesperson 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 December 1, 1998,
and Respondent has operated as a restricted licensee since that
date.

On January 25, 2000, Respondent petitioned for
reinstatement of said real estate salesperson license, and the
///

1 Attorney General of the State of California has been given notice
2 of the filing of said petition.

3 I have considered Respondent's petition and the
4 evidence and arguments in support thereof. Respondent has failed
5 to demonstrate to my satisfaction that Respondent has undergone
6 sufficient rehabilitation to warrant the reinstatement of
7 Respondent's unrestricted real estate salesperson license. On
8 March 24, 1995, subsequent to the criminal conviction that that
9 led to the disciplinary action in this matter, Respondent was
10 convicted of a violation of Section 23152(a) of the Vehicle Code.
11 Further, the criminal conviction that that led to the
12 disciplinary action in this matter has not been expunged.
13 Respondent, therefore, has not demonstrated compliance with
14 Sections 2911(c), Title 10, California Code of Regulations.
15 Finally, Respondent has operated as a restricted licensee for
16 less than two years. In view of the items noted above,
17 additional time as a restricted licensee is needed to establish
18 that Respondent is sufficiently rehabilitated to receive an
19 unrestricted real estate salesperson license.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

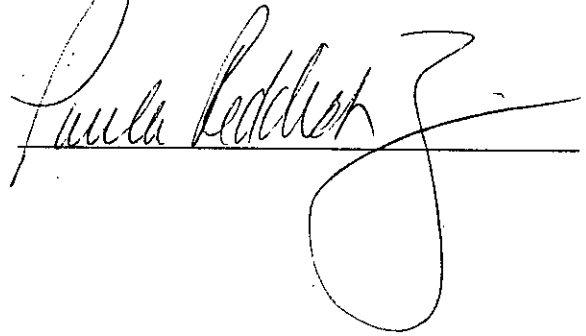
27 ///

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of his real estate salesperson license
3 is denied.

4 This Order shall become effective at 12 o'clock
5 noon on October 17, 2000.

6 DATED: September 27, 2000

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

9 
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
SEP 15 1998

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FRANKLIN ROSS GRANO,)
Respondent.)

No. H-2158 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On December 12, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent

On September 17, 1997, 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.

I have considered the petition of Respondent and the
evidence and arguments in support. Respondent has failed to
demonstrate to my satisfaction that Respondent has undergone
sufficient rehabilitation to warrant the reinstatement of
Respondent's real estate salesperson license, in that Respondent
has no experience acting in a fiduciary capacity since the



1 effective date of the Decision in this matter. Consequently,
2 Respondent is not able to present any evidence of correction of
3 business practices which led to the disciplinary action in this
4 matter. Respondent, therefore, has not demonstrated compliance
5 with Section 2911(j), Title 10, California Code of Regulations.
6 In view of the serious nature of the conviction which serves as
7 the basis for this action, additional time in a supervised setting
8 is required to establish that Respondent is rehabilitated.

9 I am satisfied, however, that it will not be against the
10 public interest to issue a restricted real estate salesperson
11 license to Respondent.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
13 for reinstatement of his real estate salesperson license is
14 denied.

15 A restricted real estate salesperson license shall be
16 issued to Respondent pursuant to Section 10156.5 of the Business
17 and Professions Code, if Respondent satisfies the following
18 conditions within six (6) months from the date of this Order:

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

21 2. Submittal of evidence of having, since the most
22 recent issuance of an original or renewal real estate license,
23 taken and successfully completed the continuing education
24 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
25 for renewal of a real estate license.

26 The restricted license issued to Respondent shall be
27 subject to all of the provisions of Section 10156.7 of the



1 Business and Professions Code and to the following limitations,
2 conditions and restrictions imposed under authority of Section
3 10156.6 of that Code.

4 A. The restricted license issued to Respondent may be
5 suspended prior to hearing by Order of the Real Estate
6 Commissioner in the event of Respondent's conviction or plea of
7 nolo contendere to a crime which is substantially related to
8 Respondent's fitness or capacity as a real estate licensee.

9 B. The restricted license issued to Respondent may be
10 suspended prior to hearing by Order of the Real Estate
11 Commissioner on evidence satisfactory to the Commissioner that
12 Respondent has violated provisions of the California Real Estate
13 Law, the Subdivided Lands Law, Regulations of the Real Estate
14 Commissioner or conditions attaching to the restricted license.

15 C. Respondent shall submit with any application for
16 license under an employing broker, or any application for transfer
17 to a new employing broker, a statement signed by the prospective
18 employing broker on a form approved by the Department of Real
19 Estate which shall certify:

20 (1) That the employing broker has read the Decision of
21 the Commissioner which granted the right to a
22 restricted license; and

23 (2) That the employing broker will exercise close
24 supervision over the performance by the restricted
25 licensee relating to activities for which a real
26 estate license is required.

27 ///



1 D. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor the removal of
3 any of the limitations, conditions or restrictions of a restricted
4 license until one (1) year has elapsed from the date of the
5 issuance of the restricted license to respondent.

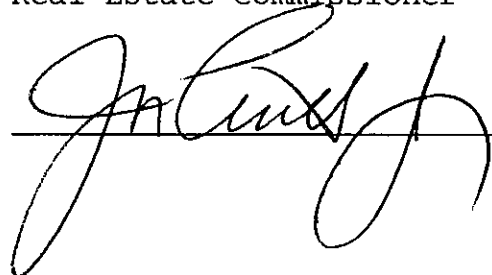
6 E. Respondent shall, within six (6) months from the
7 effective date of the restricted license, take and pass the
8 Professional Responsibility Examination administered by the
9 Department including the payment of the appropriate examination
10 fee. If Respondent fails to satisfy this condition, the
11 Commissioner may order the suspension of Respondent's license
12 until Respondent passes the examination.

13 This Order shall be effective at 12 o'clock noon on
14 October 5, 1998

15 DATED: _____

9/8/98

16 JIM ANTT, JR.
17 Real Estate Commissioner

18 
19
20
21
22
23
24
25
26
27

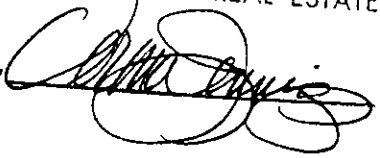


FILED
DEC 27 1995
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By



* * * * *

In the Matter of the Accusation of)
)
)
FRANKLIN ROSS GRANO,)
)
)
Respondent.)
_____)

No. H-2158 SD
L-9505094

DECISION

The Proposed Decision dated November 20, 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.

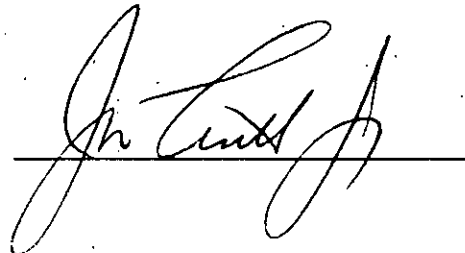
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 January 16, 1996.

IT IS SO ORDERED 12-12-95

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
of:

FRANKLIN ROSS GRANO,

Respondent.

No. H-2158 SD

OAH No. L-9505094

PROPOSED DECISION

On November 17, 1995, in San Diego, James Ahler, Administrative Law Judge, Office of Administrative Hearings, heard this matter.

Elliott Mac Lennan, Counsel, represented the Department of Real Estate (hereafter the Department).

Bernard A. Trembly, Jr., Attorney at Law, represented Franklin Ross Grano (hereafter respondent).

The record was opened, oral and documentary evidence was received, argument was given, the record was closed, and the matter was submitted.

FINDINGS OF FACT

I

On March 17, 1981, the Department licensed respondent as a real estate salesperson. Respondent has been continuously licensed since. Respondent's license expires on December 28, 1997, unless suspended or revoked.

II

On March 28, 1995, J. Chris Graves, Deputy Real Estate Commissioner, signed the Accusation in his official capacity.

III

On May 17, 1994, in the United States District Court, Eastern District of California, in Case No. MAG 93-313GGH, respondent was convicted, on his plea of guilty, of violating 18 United States Code sections 2 and 215 (Aiding and Abetting Bank Bribery), a felony involving moral turpitude.

As a consequence of his conviction, respondent was placed on three years supervised probation, and was sentenced to serve three months in a halfway house. Respondent served two months in a halfway house and was then permitted to return home. Respondent performed forty hours of community service.

In February 1995, respondent was arrested for driving under the influence. In addition to suffering the consequences of that criminal conviction, his federal probation was revoked and respondent was required to serve seven more months in a halfway house. Respondent's probation was reinstated and he was released from the halfway house in mid-October 1995.

Respondent's formal federal probation terminates in May 1997 if no further violations of probation occur.

The facts and circumstances surrounding respondent's federal conviction are discussed below.

IV

Between August 1981 and December 1993, respondent was employed by Coldwell Banker, specializing in the sale and leasing of commercial and industrial real property. Respondent was compensated on a commission basis.

In the course of his business, respondent became acquainted with Douglas J. Nail (hereafter Nail), a senior asset manager with HomeFed Savings & Loan. HomeFed had an ownership interest in condominium project called Fleur du Lac Estates near Lake Tahoe. Although the condominiums were not formally listed in 1993, HomeFed valued each condominium well in excess of one million dollars.

In the early 1990's, respondent was attempting to develop real property located in the Fallbrook area owned by Louie Pappas (hereafter Pappas), a wealth property owner from Sacramento.

In 1993, Pappas became very interested in purchasing a Fleur du Lac condominium. Pappas discussed the matter with Nail. Pappas offered \$850,000 to purchase a condominium, which Nail rejected. Negotiations concerning Pappas' purchase of a Fleur du Lac condominium reached an impasse. Pappas learned of respondent's acquaintance with Nail and asked respondent to assist him in purchasing a condominium.

Respondent, who worked with Nail's brother, learned Nail was having financial difficulties. Respondent approached Nail and discussed Pappas' purchase of a condominium. In April 1993, Nail called respondent and suggested respondent contact

Pappas and tell Pappas to "get serious." Based on his conversation with Nail, respondent drew the inference the "property could be made available" at a very favorable price if Pappas were to pay Nail "something on the side."

Respondent suggested to Pappas that he offer \$950,000 to purchase the condominium and privately offer Nail \$50,000 to ensure the deal went through. Pappas said he thought that was a good idea. Respondent put Pappas and Nail in touch with one another and then "got out of the loop."

The resort condominium was sold by HomeFed to Pappas for \$950,000 in August 1993. As a result of that transaction and respondent's participation in it, Coldwell Banker was to receive three percent of the total commission, or \$28,500; fifty percent of Coldwell Banker's commission was to be split equally between respondent and Roy Nail; and, respondent's share was to be \$7,125.

After the transaction was completed, Nail contacted respondent and instructed respondent to tell Pappas to follow through with his commitment to pay the \$50,000 bribe to Nail. Respondent did so. Respondent telephoned Pappas and relayed the message. His conversation was taped by the F.B.I.

Throughout the transaction, respondent knew he was engaging in wrongful conduct, although he never stopped to consider the extent of his illegal participation.

Although it was argued respondent's participation in the bribery was peripheral, it was not. Respondent realized the circumstances giving rise to a bribe existed, believed he might benefit if Pappas purchased the condominium at a reduced price because Pappas would continue to provide him with opportunities in a depressed real estate market, and knew he was in line for a small commission if the deal went through. Respondent clearly aided and abetted in the bribery.

V

Bribery is a crime involving moral turpitude. See, In re Rothrock (1940) 16 Cal.2d 449, 454, and In re Hanley (1975) 13 Cal.3d 448, 451.

A conviction of the crime of bribery bears a substantial, adverse relationship to the qualifications, functions, and duties of a real estate salesperson, who is required to be truthful and forthright in transactions involving the sale and financing of real property.

Respondent's federal felony criminal conviction arose directly out of his licensed real estate activities.

VI

Respondent grew up in San Diego County. He is thirty-nine years old. He graduated from Patrick Henry High School. He was awarded a Bachelor of Arts in public administration from San Diego State University in 1981.

Respondent married in 1986. Respondent and his wife have three daughters, age eight years old, five years old, and six months old. Respondent is active in the community, he is a soccer coach, he and his family attend a local church, he and his wife participate in P.T.A., and he is a member of several chambers of commerce.

Respondent has worked as a real estate salesperson his entire adult life. He was employed by Coldwell Banker from August 1981 through December 1993. Since then, respondent has worked under his father's real estate broker's license.

Respondent is a salaried employee of Hamann Construction, a family owned enterprise engaging in construction, property development, and property management with offices in El Cajon. Respondent leases industrial properties, manages the properties, and deals with tenants. Respondent needs a real estate license to carry out his vocational responsibilities for the Hamann family, who operate a highly regarded concern.

VII

Respondent has no other criminal convictions.

With regard to his felony conviction, respondent states he "didn't look far enough into the future to see the consequences of my actions." He now recognizes his wrongdoing.

Respondent realizes his problems with alcohol have caused he and his family considerable distress. He began attending A.A. and participates in the Twelve Step program. He attends meetings two or three times a week.

Respondent is personable and hard working. He is in the process of rehabilitating himself. However, his recent felony conviction arose directly out of his licensed activities, involved moral turpitude, and is substantially and adversely related to his present qualifications to be licensed.

More time must pass before the public can be assured of respondent's rehabilitation.

DETERMINATION OF ISSUES

I

Cause exists to suspend or revoke respondent's real estate salesperson's license pursuant to Business and Professions Code section 490 and Business and Professions Code section 10177(b), based on respondent's conviction of bribery, a crime involving moral turpitude which is substantially and adversely related to the qualifications, functions, and duties of a real estate salesperson, based on Findings of Fact III, IV and V.

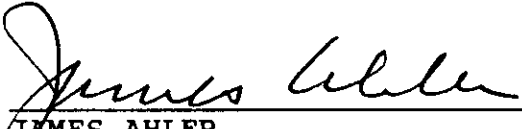
II

Respondent is in the process of rehabilitation. He is encouraged to continue this process and to reapply for a license in the future as he continues his efforts.

ORDER

Respondent's real estate salesperson's license is
revoked.

Dated: 11/20/95



JAMES AHLER
Administrative Law Judge
Office of Administrative Hearings

Sacto. Clary

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
JUL 28 1995

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

Case No. H-2158 SD)

OAH No. L-9505094)

FRANKLIN ROSS GRANO,)

Respondent.)

By *[Signature]*

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California, on November 17, 1995, 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.

Dated: July 28, 1995.

DEPARTMENT OF REAL ESTATE

cc: Franklin Ross Grano
Bernard A. Trembly, Jr., Esq.
Frank Grano
Sacto.
OAH-LA/SD
JCG

[Signature]
ELLIOTT MAC LENNAN, Counsel

SACD
Plano

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 28 1995
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
FRANKLIN ROSS GRANO,)
Respondent.)

Case No. H-2158 SDBy)
OAH No. L-9505094)

[Signature]

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California, on July 28, 1995, at the hour of 10:00 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.

Dated: June 28, 1995.

DEPARTMENT OF REAL ESTATE

cc: Franklin Ross Grano
Bernard Trembly, Esq.
Frank Grano
Sacto.
OAH
JCG

[Signature]
ELLIOTT MAC LENNAN, Counsel

SACTO.
FLAG

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILE
MAY 31 1995
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
FRANKLIN ROSS GRANO,)
Respondent.)

Case No. H-2158 SD By *[Signature]*
OAH No. L-9505094

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California, on July 7, 1995, 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.

Dated: May 31, 1995.

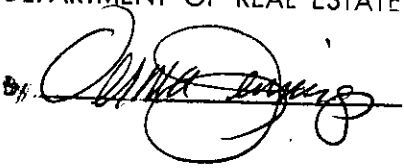
cc: Franklin Ross Grano
Bernard Trembly, Esq.
Frank Grano
Sacto.
OAH
JCG
LSM

DEPARTMENT OF REAL ESTATE

[Signature]
ELLIOTT MAC LENNAN, Counsel

SAC to
Flay

1 ELLIOTT MAC LENNAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6 (213) 897-3937
7

FILED
MAR 28 1995
DEPARTMENT OF REAL ESTATE


8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-2158 SD
12 FRANKLIN ROSS GRANO,) ACCUSATION
13 Respondent.)
14

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against FRANKLIN ROSS GRANO (hereinafter "respondent") is informed
18 and alleges in his official capacity as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law (Part 1 of Division 4 of the
22 California Business and Professions Code) (Code).

23 II

24 Respondent was originally licensed by the Department of
25 Real Estate of the State of California as a real estate
26 salesperson on March 17, 1981.

27 /

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against the license and license rights of respondent FRANKLIN ROSS
5 GRANO under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at San Diego, California
9 this 28th day of March, 1995.

10
11 J. CHRIS GRAVES
12 Deputy Real Estate Commissioner
13
14
15
16
17
18
19
20
21
22
23
24

25 cc: Franklin Ross Grano
26 Frank Grano
27 Sacto.
 LSM