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FILED

MAY 31 2008

DEPARTMENT OF REAL ESTATE

By K. Max

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-2248 SD
TODD BENWARE,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 30, 1996, a Decision was rendered herein denying Respondent's application for a 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 June 20, 1996, and Respondent has operated as a restricted licensee since that time.

On September 22, 2005, Respondent petitioned for removal of restrictions attached to his restricted real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that Respondent meets the requirements of law for
3 the issuance to Respondent of an unrestricted real estate
4 salesperson license and that it would not be against the public
5 interest to issue said license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 Petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent if, within
9 nine (9) months from the date of this order, Respondent shall:

10 (a) Submit a completed application and pay the
11 appropriate fee for a real estate salesperson license, and

12 (b) Submit evidence of having taken and successfully
13 completed the continuing education requirements of Article 2.5 of
14 Chapter 3 of the Real Estate Law for renewal of a real estate
15 license.

16 This Order shall become effective immediately.

17 IT IS SO ORDERED 5/21/08

18 JEFF DAVI
19 Real Estate Commissioner
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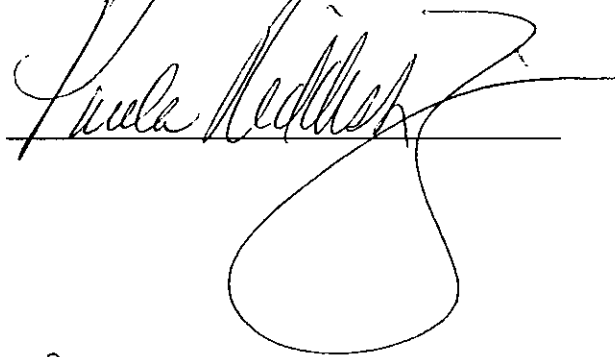
1 warrant the removal of restrictions on Respondent's real estate
2 salesperson license. In response to a question in the petition
3 application, "Have you ever been a defendant in any civil court
4 litigation, including small claims court? If yes, give details
5 below ...", Respondent answered "Yes" but failed to disclose in
6 his petition the following civil court litigation: Kopp v.
7 Benware, San Diego Superior Court No. 200128, and Dever v.
8 Benware, San Diego Superior Court No. GIC732670. Respondent's
9 concealment of facts and lack of candor, demonstrate that
10 Respondent has not changed his attitude from that which existed
11 at the time the cause for disciplinary action in this matter
12 occurred. I am not satisfied that Respondent has demonstrated
13 sufficient rehabilitation to warrant the removal of restrictions
14 on Respondent's real estate salesperson license

15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for removal of restrictions on his real estate
17 salesperson license is denied.

18 This Order shall become effective at 12 o'clock
19 noon on April 9, 2002.

20 DATED: March 18, 2002
21

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

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FILED
JUN - 6 1996
DEPARTMENT OF REAL ESTATE

By *C. Roy*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-2248 SD
)
12 TODD ASHLEY BENWARE,) STIPULATION AND WAIVER
)
13 Respondent(s).)
14 _____)

I, TODD ASHLEY BENWARE, 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 April 23, 1996, 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

1 allegations therein, or that he may in his discretion waive the
2 hearing and grant me a restricted real estate salesperson
3 license based upon this Stipulation and Waiver. I also
4 understand that by filing the Statement of Issues in this matter
5 the Real Estate Commissioner is shifting the burden to me to
6 make a satisfactory showing that I meet all the requirements for
7 issuance of a real estate salesperson license. I further
8 understand that by entering into this Stipulation and Waiver I
9 will be stipulating that the Real Estate Commissioner has found
10 that I have failed to make such a showing, thereby justifying
11 the denial of the issuance to me of an unrestricted real estate
12 salesperson license.

13 I hereby admit that the allegations of the Statement
14 of Issues filed against me are true and correct and request that
15 the Real Estate Commissioner in his discretion issue a
16 restricted real estate salesperson license to me under the
17 authority of Section 10156.5 of the Business and Professions
18 Code. I understand that any such restricted license will be
19 issued subject to and be limited by Section 10153.4 of the
20 Business and Professions Code.

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

1 restricted or unrestricted license if this Stipulation and
2 Waiver is not accepted by the Commissioner.

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

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

11 a. The conviction of Respondent (including a plea of
12 nolo contendere) to a crime which bears a substantial
13 relationship to Respondent's fitness or capacity as a real
14 estate licensee; or

15 b. The receipt of evidence that Respondent has
16 violated provisions of the California Real Estate Law, the
17 Subdivided Lands Law, Regulations of the Real Estate
18 Commissioner or conditions attaching to this restricted license.

19 2. Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license nor the removal
21 of any of the conditions, limitations or restrictions attaching
22 to the restricted license until one year has elapsed from the
23 date of issuance of the restricted license to Respondent.

24 3. With the application for license, or with the
25 application for transfer to a new employing broker, Respondent
26 shall submit a statement signed by the prospective employing
27 broker on a form approved by the Department of Real Estate

1 wherein the employing broker shall certify as follows:

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

4 b. That broker will carefully review all transaction
5 documents prepared by the restricted licensee and otherwise
6 exercise close supervision over the licensee's performance of
7 acts for which a license is required.

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

23 DATED this 13 day of MAY, 1996.

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26 Respondent, TODD ASHLEY BENWARE
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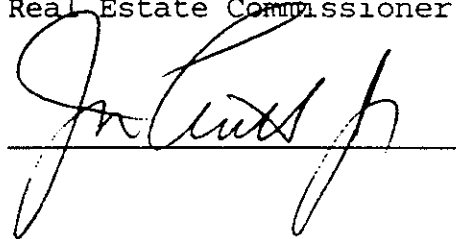
I have read the Statement of Issues filed herein and
the foregoing Stipulation and Waiver signed by Respondent. I am
satisfied that the hearing for the purpose of requiring further
proof as to the honesty and truthfulness of Respondent need not
be called and that it will not be inimical to the public
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, TODD ASHLEY
BENWARE, 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: 5/30/96

JIM ANTT, JR.
Real Estate Commissioner



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CHRIS LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
APR 23 1996
DEPARTMENT OF REAL ESTATE

By C. Bay

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of) No. H-2248 SD
)
TODD ASHLEY BENWARE,) STATEMENT OF ISSUES
)
Respondent:)
_____)

The Complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against TODD ASHLEY BENWARE (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in his official capacity.

II

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about December 19, 1995. This license was to be

1 subject to the provisions of Section 10153.4 of the California
2 Business and Professions Code (hereinafter "Code").

3 III

4 On or about January 7, 1991, in the San Diego Superior
5 Court, Respondent was charged with violation of Section 11351 of
6 the California Health and Safety Code (hereinafter "H&S")
7 (Poss/purchase for sale narc/cntl sub) and Section 11350(a) H&S
8 (Poss narc control substance), as a result of a plea bargain,
9 Respondent was convicted of violation of one count each of
10 Sections 11351 H&S and 11350 H&S (Possession and use of
11 controlled substance).

12 IV

13 The conduct which led to the conviction, and/or
14 conduct, as alleged above, is cause under Sections 480 and
15 10177(b) of the Code for denial of Respondent's application for
16 a real estate license under the Real Estate Law.

17 V

18 On or about November 8, 1995, in the San Diego
19 Superior Court, Respondent was charged with violation of Section
20 11352(a) H&S (Transportation of a controlled substance), Section
21 11350(a) H&S (Poss of a control substance), Section 11550(a)
22 (Under influence of a controlled substance) and Section 23152(a)
23 of the California Vehicle Code (hereinafter "VC") (Driving under
24 the influence), as a result of a plea bargain, Respondent was
25 convicted of violation of one count each of Section 11350 H&S
26 (Possession of a controlled substance) and Section 23152(a) VC
27 (Driving under the influence).

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VI

Respondent's criminal convictions and/or conduct, as alleged above in Paragraph V, demonstrate a pattern of conduct and lack of rehabilitation under Section 2911 of the Title 10, Chapter 6, California Code of Regulations.

VII

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 23rd day of April, 1996.

J. CHRIS GRAVES

Deputy Real Estate Commissioner

cc: Todd Ashley Benware
Richard Frank Bonora
Sacto.
BK