

FILED  
JUN 24 1992  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zier*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

No. H-2291 SAC

MARTIN ANTHONY PETERSEN, )

Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 17, 1988, a Decision was rendered herein  
revoking the real estate salesperson license of Respondent. On  
March 16, 1990, an Order was rendered denying Respondent's  
Petition for Reinstatement of his 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 August 16, 1990,  
and Respondent has operated as a restricted licensee without cause  
for disciplinary action against Respondent since that time.

On September 4, 1991, Respondent petitioned for  
reinstatement of said real estate salesperson license, and the

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1 Attorney General of the State of California has been given notice  
2 of the filing of 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 petition  
11 for reinstatement is granted and that a real estate salesperson  
12 license be issued to Respondent if Respondent satisfies the  
13 following conditions within six (6) months from the date of this  
14 Order:

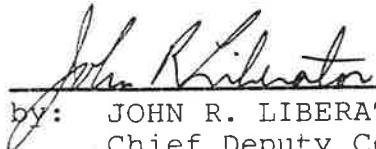
15 1. Submittal of a completed application and payment of  
16 the fee for a real estate salesperson license.

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: June 17, 1992

24 CLARK WALLACE  
25 Real Estate Commissioner

26   
27 by: JOHN R. LIBERATOR  
Chief Deputy Commissioner

FILED  
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DEPARTMENT OF REAL ESTATE

*Laurie A. Zain*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
MARTIN ANTHONY PETERSEN, )  
aka MARTIN ANTHONY PETERSON, )  
Respondent. )

NO. H-2291 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On June 17, 1988, a Decision was rendered herein  
revoking the real estate salesperson license of Respondent, but  
granting Respondent the right to a restricted real estate  
salesperson license upon terms and conditions. Respondent did not  
apply for said license.

On February 23, 1989, Respondent petitioned for  
reinstatement of said license and the Attorney General of the  
State of California has been given notice of the filing of the  
petition.

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1 I have considered Respondent's petition and the evidence  
2 and arguments in support thereof. Respondent has failed to  
3 demonstrate to my satisfaction that Respondent has undergone  
4 sufficient rehabilitation to warrant the issuance to Respondent of  
5 an unrestricted real estate salesperson license, in that  
6 insufficient time has elapsed from the effective date of the  
7 Decision in this matter to establish Respondent's rehabilitation.  
8 The effective date of the Decision was July 12, 1988 and  
9 Respondent has not operated since that time under a restricted  
10 real estate salesperson license. A period of time as a restricted  
11 real estate salesperson would provide greater evidence of  
12 rehabilitation. I am satisfied, however, that it will not be  
13 against the public interest to issue a restricted real estate  
14 salesperson license to Respondent.

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

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

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

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

6           The restricted license issued to Respondent shall be  
7 subject to all of the provisions of Section 10156.7 of the  
8 Business and Professions Code and to the following limitations,  
9 conditions and restrictions imposed under authority of Section  
10 10156.6 of said Code:

11           A. The restricted license issued to Respondent may be  
12 suspended prior to hearing by Order of the Real Estate  
13 Commissioner in the event of Respondent's conviction or plea of  
14 nolo contendere to a crime which bears a significant relation to  
15 Respondent's fitness or capacity as a real estate licensee.

16           B. The restricted license issued to Respondent may be  
17 suspended prior to hearing by Order of the Real Estate  
18 Commissioner on evidence satisfactory to the Commissioner that  
19 Respondent has violated provisions of the California Real Estate  
20 Law, the Subdivided Lands Law, Regulations of the Real Estate  
21 Commissioner or conditions attaching to the restricted license.

22           C. Respondent shall not be eligible to apply for the  
23 issuance of an unrestricted real estate license nor for the  
24 removal of any of the conditions, limitations or restrictions of a  
25 restricted license until one (1) year has elapsed from the date of  
26 issuance of the restricted license to Respondent.

27    ///

1 D. Respondent shall submit with any application for  
2 license under an employing broker, or any application for transfer  
3 to a new employing broker, a statement signed by the prospective  
4 employing real estate broker which shall certify:

5 (1) That the employing real estate broker has read  
6 the Order of the Commissioner which granted the  
7 right to a restricted license; and

8 (2) That the employing real estate broker will  
9 exercise close supervision over the performance  
10 by the restricted licensee relating to  
11 activities for which a real estate license is  
12 required.

13 This Order shall be effective immediately.

14 DATED: March 16, 1990

15 JAMES A. EDMONDS, JR.  
16 Real Estate Commissioner

17 by: John R. Liberator  
18 JOHN R. LIBERATOR  
19 Chief Deputy Commissioner  
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FILED  
JUN 22 1988

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

\* \* \*

By Kathleen Contreras

In the Matter of the Accusation of )  
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 )  
 MARTIN ANTHONY PETERSEN )  
 aka MARTIN ANTHONY PETERSON, )  
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 )  
 Respondent. )

NO. H- 2291 SAC

N- 30960

DECISION

The Proposed Decision dated May 20, 1988  
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 July 12, 19 88.

IT IS SO ORDERED June 17, 19 88.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

By: John R. Liberator  
JOHN R. LIBERATOR  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )	No. H-2291 SAC
MARTIN ANTHONY PETERSEN )	
aka MARTIN ANTHONY PETERSON, )	OAH NO. N-30960
Respondent. )	

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PROPOSED DECISION

On May 6, 1988, in Sacramento, California, Keith A. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Roland Adickes, Staff Counsel, represented complainant.

Martin Petersen appeared in person but was not otherwise represented.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant Charles W. Koenig, Deputy Real Estate Commissioner, made and filed the accusation in his official capacity and not otherwise.

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, as a real estate salesperson.

III

On or about June 4, 1986, in the Municipal Court of California, Santa Clara County, respondent was convicted of violating section 2101 of the California Unemployment Insurance Code (False Statement to Obtain Benefits).



#### IV

Respondent is married with three children and currently is self-employed as a wallpaper hanger. Respondent received unemployment benefits retroactively after a disputed claim. Respondent did not notify the Employment Development Department that he had been employed for two of the months in which he received retroactive benefits. Respondent fully realizes what he did was wrong and he has made full restitution. Respondent has no prior convictions and has demonstrated that he is rehabilitated under section 2911, Title 10, California Code of Regulations.

#### DETERMINATION OF ISSUES

##### I

Facts found in Finding of Fact III are grounds for revoking respondent's license under Business and Professions Code sections 490 and 10177(b) in that he has been convicted of a crime which involves moral turpitude and which is substantially related to the qualifications, functions, and duties of a real estate licensee.

##### II

The evidence of rehabilitation establishes that it would not be contrary to the public's interest to issue a restricted real estate salesperson's license to respondent subject to the conditions hereinafter imposed.

#### ORDER

All real estate licenses and licensing rights issued to respondent Martin Anthony Petersen by the Department of Real Estate are revoked; provided, however, a restricted real estate license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor within thirty 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 bears a significant relation 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 date of issuance of the restricted license to respondent.
4. Respondent shall, within six 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.

Dated: May 20, 1988

  
\_\_\_\_\_  
KEITH A. LEVY  
Administrative Law Judge  
Office of Administrative Hearings

1 ROLAND ADICKES, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

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8 (916) 739-3607

FILED  
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DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 MARTIN ANTHONY PETERSEN )  
13 aka MARTIN ANTHONY PETERSON, )  
14 Respondent. )

NO. H-2291 SAC

ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against MARTIN ANTHONY PETERSEN aka MARTIN ANTHONY PETERSON  
18 (hereinafter "respondent"), is informed and alleges 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 Business and Professions Code (hereinafter "Code") as a real  
23 estate salesperson.

24 II

25 The Complainant, Charles W. Koenig, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 against respondent in his official capacity.

1 III

2 On or about June 4, 1986, in the Municipal Court of  
3 California, Santa Clara County, respondent was convicted of  
4 violation of Section 2101 of the California Unemployment Insurance  
5 Code (False Statement to Obtain Benefits), a crime involving moral  
6 turpitude which is substantially related under Section 2910, Title  
7 10, California Administrative Code to the qualifications,  
8 functions or duties of a real estate licensee.

9 IV

10 The facts alleged above constitute cause under Sections  
11 490 and 10177(b) of the Code for suspension or revocation of all  
12 licenses and license rights of respondent under the Real Estate  
13 Law.

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

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23   
24 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

25 Dated at Sacramento, California  
26 this 10th day of December, 1987.