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FILED

MAY 31 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-2336 SD
PATRICK HAROLD CAIN)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 4, 1998, 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 March 20, 1998, and Respondent has operated as a restricted licensee since that time.

On October 27, 2006, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

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

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

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

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

18 This Order shall become effective immediately.

19 IT IS SO ORDERED 5.29.08

20 JEFF DAVIS
21 Real Estate Commissioner
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FILED
FEB 17 1998

DEPARTMENT OF REAL ESTATE

Lauriel Zain

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Application of)

PATRICK HAROLD CAIN,)

Respondent.)

No. H- 2336 SD

STIPULATION AND WAIVER

I, PATRICK HAROLD CAIN, 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 July 10, 1997, 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 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
8 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
9 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
10 license if this Stipulation and Waiver is not accepted by the Commissioner.

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

13 1. The license shall not confer any property right in the privileges to be exercised including the right
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
15 exercise any privileges granted under this restricted license in the event of:

16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

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

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

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

27 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted

1 license; and

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

5 DATED this 12/17 day of December, 19 97

6
7 
8 Respondent PATRICK HAROLD CAIN

9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
10 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
12 restricted real estate salesperson license to respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
14 respondent PATRICK HAROLD CAIN if respondent has otherwise fulfilled
15 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted
16 as specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 DATED this 4TH day of FEBRUARY, 19 98.

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20 JIM ANTT, JR.
21 Real Estate Commissioner
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FILED
OCT 24 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelley Cley

In the Matter of the Application of

PATRICK HAROLD CAIN

}

Case No. H-2336 SD

OAH No. _____

Respondent

CONTINUED
NOTICE OF HEARING ON APPLICATION

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, Suite 6022,
San Diego, CA 92101

on Tuesday -- December 30, 1997, at the hour of 11:00 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place
of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within
ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are
not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay for his or her costs.
The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: October 24, 1997

DEPARTMENT OF REAL ESTATE
By James L. Beaver
JAMES L. BEAVER
Counsel

FILED
AUG 11 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Kathleen Contreras

In the Matter of the Application of

PATRICK HAROLD CAIN,

}

Case No. H-2336 SD

OAH No. _____

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 1350 Front Street, Suite 6022,
San Diego, CA 92101

on Tuesday, October 28, 1997, at the hour of 9:30 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place
of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within
ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are
not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay for his or her costs.
The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 8, 1997

By Larry Alamao
LARRY A. ALAMAO Counsel

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

5 Telephone: (916) 227-0789

FILED
JUL 10 1997
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 PATRICK HAROLD CAIN,) No. H-2336 SD
13 Respondent.) STATEMENT OF ISSUES
14 _____)

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against PATRICK HAROLD CAIN (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about February 7, 1997.

23 II

24 Complainant, J. Chris Graves, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

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III

On or about June 25, 1991, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 11377 (Possession of Controlled Substance) of the California Health and Safety Code, a felony.

IV

On or about November 21, 1988, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 11378 (Possession for Sale of Controlled Substance) of the California Health and Safety Code, a felony which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

V

The crime of which Respondent was convicted, as alleged in Paragraph IV, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.

J. Chris Graves

J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 3rd day of July, 1997.