

FLAG

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

FILED

SEP 29 2011

DEPARTMENT OF REAL ESTATE

By *L. Jones*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of
DONALD WALTER PERRY aka DON PERRY,
Respondent.

No. H-2445 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On April 5, 1999, a Decision was rendered in Case No. H-2445 SD revoking the real estate broker license of Respondent effective May 10, 1999, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on May 10, 1999. On September 25, 2001, a Decision was rendered in Case No. H-2624 SD revoking the restricted real estate broker license of Respondent effective November 1, 2001, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on November 1, 2001. On June 17, 2003, Respondent's restricted real estate broker license was suspended indefinitely per H-2871 SD. On December 5, 2003, a Decision was rendered in Case No. H-2871 SD revoking the restricted real estate broker license of Respondent effective January 21, 2004, but granting Respondent the right to the issuance of a restricted real estate salesperson

1 license. A restricted real estate salesperson license was issued to Respondent on January 21,
2 2004; however, Respondent's restricted real estate salesperson license was suspended for 100
3 days from the date of issuance. Respondent's restricted real estate salesperson license was
4 reinstated from suspension on April 30, 2004. On July 27, 2005, Respondent's restricted real
5 estate salesperson license was suspended indefinitely per H-2871 SD. On April 5, 2006, a
6 Decision was rendered in Case No. H-3231 SD revoking the restricted real estate salesperson
7 license of Respondent effective April 28, 2006, but granting Respondent the right to the issuance
8 of a restricted real estate salesperson license. A restricted real estate salesperson license was
9 issued to Respondent on April 28, 2006, and Respondent operated as a restricted real estate
10 salesperson until the expiration date of that license on April 27, 2010.

11 On February 18, 2010, Respondent petitioned for reinstatement of Respondent's
12 real estate broker license, and the Attorney General of the State of California has been given
13 notice of the filing of said petition.

14 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
15 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
16 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
17 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

18 I have considered the petition of Respondent and the evidence submitted in
19 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
20 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
21 broker license at this time.

22 The Department has developed criteria in Section 2911 of Title 10, California
23 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
24 reinstatement of a license. Among the criteria relevant in this proceeding are:

25 Regulation 2911(b) Restitution to any person who has suffered monetary losses
26 through "substantially related" acts or omissions of the applicant.

27 ///

1 Respondent has provided no information that he has made restitution to any
2 person who has suffered monetary losses through "substantially related" acts or omissions
3 related to his property management activities.

4 Regulation 2911(i) Completion of, or sustained enrollment in, formal educational
5 or vocational training courses for economic self-improvement.

6 Respondent has provided no information that he has completed, or is enrolled in,
7 formal educational or vocational training courses for economic self-improvement.

8 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
9 adjudicated debts or monetary obligations to others.

10 Respondent has provided no information concerning civil judgments which have
11 been entered against him; or that he has discharged, or made bona fide efforts toward
12 discharging, adjudicated debts or monetary obligations to others.

13 Regulation 2911(k) Correction of business practices resulting in injury to others
14 or with the potential to cause such injury.

15 Respondent has provided no information that he has corrected his business
16 practices resulting in injury to others; and has failed to take continuing education courses
17 required to renew his latest restricted salesperson license, which expired on April 27, 2010.

18 Regulation 2911(m) New and different social and business relationships from
19 those which existed at the time of the conduct that is the basis for denial of the departmental
20 action sought.

21 Respondent has provided no information that he has developed new and different
22 social and business relationships from those which existed at the time of the conduct that led to
23 the several disciplinary actions against Respondent's real estate licenses.

24 Regulation 2911(n) Change in attitude from that which existed at the time of the
25 conduct in question as evidenced by any or all of the following:

26 (1) Testimony of applicant.

27 ///

1 Respondent has provided no evidence that he has changed his attitude from that
2 which led to the disciplinary actions against his real estate licenses. Respondent has a history of
3 trust fund handling and/or record keeping violations, and has provided no evidence that he has
4 finally understood and is willing to abide by the laws and regulations relating to trust fund
5 handling and record keeping. Respondent has failed to provide supplemental information
6 requested by the Department concerning his petition, and his application is incomplete.

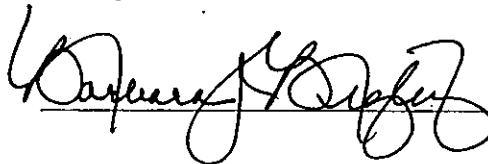
7 Given the violations found and the fact that Respondent has not established that
8 Respondent has satisfied Regulations 2911(b), (i), (j), (k), (m) and (n)(1), I am not satisfied that
9 Respondent is sufficiently rehabilitated to receive a real estate broker license.

10 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
11 reinstatement of Respondent's real estate broker license is denied.

12 This Order shall become effective at 12 o'clock noon on OCT 18 2011

13 IT IS SO ORDERED 8/5/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

16 
17

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
NOV 15 2000

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 Accusation of) No. H-2445 SD
12 JORGE S. SERVIN,)
13 Respondent.)

14
15 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

16 TO: JORGE S. SERVIN:

17 On February 2, 2000, a restricted real estate
18 salesperson license was issued by the Department of Real
19 Estate to you, Respondent JORGE S. SERVIN (hereinafter "you"),
20 on the terms, conditions and restrictions set forth in the
21 Real Estate Commissioner's Decision of December 15, 1999 in
22 Case No. H-2445 SD (hereinafter "the Decision"). This
23 Decision granted you the right to the issuance of a restricted
24 real estate salesperson license subject to the provisions of
25 Section 10156.7 of the Business and Professions Code and to
26 enumerated additional terms, conditions and restrictions
27 imposed under authority of Section 10156.6 of said Code.

1 Among those terms, conditions and restrictions, you were
2 required to take and pass the Professional Responsibility
3 Examination within six (6) months from the effective date of
4 the restricted license. The Commissioner has determined that,
5 as of August 2, 2000, you have failed to satisfy this
6 condition, and thus you are in violation of Section 10177(k)
7 of the Business and Professions Code.

8 NOW, THEREFORE, IT IS ORDERED under authority of
9 Section 10156.7 of the Business and Professions Code of the
10 State of California that the restricted real estate
11 salesperson license heretofore issued to you, and the exercise
12 of any privileges thereunder, is hereby suspended until such
13 time as you provide proof satisfactory to the Department of
14 compliance with the "condition" referred to above, or pending
15 final determination made after hearing (see "Hearing Rights"
16 set forth below). Furthermore, you have no right to renew
17 your restricted license if this "condition" is not satisfied
18 by the date your restricted license expires.

19 IT IS FURTHER ORDERED that all license certificates
20 and identification cards issued by the Department which are in
21 your possession be immediately surrendered by personal
22 delivery or by mailing in the enclosed, self-addressed
23 envelope to:

24 Department of Real Estate
25 Attn: Flag Section
26 P. O. Box 187000
 Sacramento, CA 95818-7000

27 ///

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
JAN 12 2000

DEPARTMENT OF REAL ESTATE

By Jean Arnesen

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of)
14 DON PERRY & ASSOCIATES;) NO. H-2445 SD
15 DON PERRY; and,)
16 JORGE S. SERVIN,) STIPULATION AND AGREEMENT
17 Respondents.) AS TO JORGE S. SERVIN

18 It is hereby stipulated by and between JORGE S. SERVIN
19 ("Respondent SERVIN"), acting by and through his attorney,
20 John P. Loughman; and the Complainant, acting by and through
21 Thomas C. Lasken, Counsel for the Department of Real Estate; as
22 follows, for the purpose of settling and disposing of the
23 Accusation filed on October 20, 1998, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 SERVIN at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA) (Government Code Section 11500
2 et seq.), shall instead and in place thereof be submitted solely
3 on the basis of the provisions of this Stipulation and Agreement.

4 2. Respondent SERVIN has received, read and
5 understands the Statement to Respondent, the Discovery Provisions
6 of the APA, and the Accusation filed by the Department of Real
7 Estate in this proceeding.

8 3. Respondent SERVIN hereby waives his right to
9 require the Commissioner to prove the allegations in the
10 Accusation at a contested hearing held in accordance with the
11 provisions of the APA and acknowledges that he will waive other
12 rights afforded to him in connection with the hearing such as the
13 right to present evidence in defense of the allegations in the
14 Accusation and the right to cross-examine witnesses.

15 4. This Stipulation is based on the factual
16 allegations contained in the Accusation. In the interests of
17 expedience and economy, Respondent SERVIN chooses not to contest
18 these allegations, but to remain silent and understands that, as
19 a result thereof, these factual allegations, without being
20 admitted or denied, will serve as a prima facie basis for the
21 disciplinary action stipulated to herein. The Real Estate
22 Commissioner shall not be required to provide further evidence
23 to prove said factual allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his Decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent SERVIN's real estate licenses and

1 Estate Commissioner or conditions attaching to the
2 restricted license.

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

9 D.. Respondent SERVIN shall submit with any application for
10 license under an employing broker, or any application for a
11 transfer to a new employing broker, a statement signed by
12 the prospective employing broker on a form approved by the
13 Department of Real Estate which shall certify:

14 1. That the employing broker has read the Decision of the

15 Commissioner which granted the right to a restricted

16 license; and,

17 2. That the employing broker will exercise close

18 supervision over the performance by the restricted

19 licensee of activities for which a real estate license

20 is required.

21 E. Respondent SERVIN shall, within six (6) months from the
22 effective date of the restricted license, take and pass the
23 Professional Responsibility Examination administered by the
24 Department including the payment of the appropriate examination
25 fee. If Respondent SERVIN fails to satisfy this condition,
26 the Commissioner may order the suspension of the restricted
27 license until Respondent SERVIN passes the examination.

1 F. Any restricted real estate salesperson license issued to
2 Respondent SERVIN may be suspended or revoked for a
3 violation by Respondent SERVIN of any of the conditions
4 attaching to the restricted license.

5
6
7 November 18, 1999

8 DATED

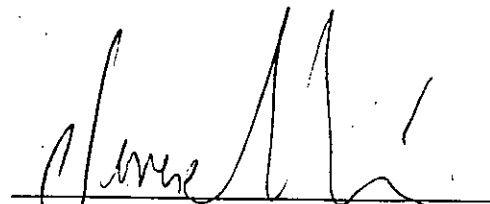
9
10
11
12 

13 THOMAS C. LASKEN, Counsel
14 DEPARTMENT OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Agreement, have discussed it
17 with my counsel, and its terms are understood by me and are
18 agreeable and acceptable to me. I understand that I am
19 waiving rights given to me by the California Administrative
20 Procedure Act (including but not limited to Sections 11506,
21 11508, 11509 and 11513 of the Government Code), and I
22 willingly, intelligently and voluntarily waive those rights,
23 including the right of requiring the Commissioner to prove
24 the allegations in the Accusation at a hearing at which I
25 would have the right to cross-examine witnesses against me
26 and to present evidence in defense and mitigation of the
27 charges.

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 11/17/99
26 DATED

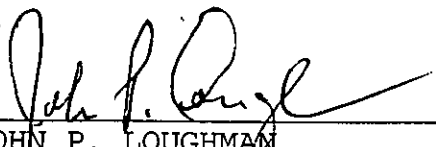
27 
JORGE S. SERVIN
Respondent

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

I have reviewed the Stipulation and Agreement in Settlement as to form and content and have advised my client accordingly.

11/17/99

DATED



JOHN P. LOUGHMAN
Attorney for Respondent

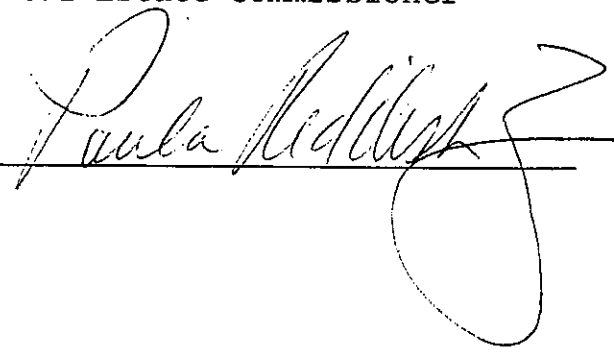
* * *

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on February 2, 2000

IT IS SO ORDERED

December 15, 1999

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
OCT 18 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

DON PERRY & ASSOCIATES,
DON PERRY, and
JORGE S. SERVIN,

}

Case No. H-2445 SD

OAH No. L-1999080543

Respondent

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 _____

The Office of Administrative Hearings, 1350 Front Street,

Room 6022, San Diego, California 92101

on November 8, 1999, at the hour of 9:00 AM,

or as soon thereafter as the matter can be heard, upon the Accusation 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.

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 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: October 18, 1999

By Thomas C. Lasken
THOMAS C. LASKEN Counsel

FILED

AUG 20 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
DON PERRY & ASSOCIATES,) No. H-2445 SD
DON PERRY, and)
JORGE S. SERVIN)
Respondents.)

ORDER GRANTING RECONSIDERATION

On May 24, 1999, a Decision was rendered in the above-entitled matter, as to JORGE S. SERVIN, only. The Decision is to become effective on August 23, 1999.

On July 12, 1999, Respondent JORGE S. SERVIN petitioned for reconsideration of the Decision of May 24, 1999. I find that there is good cause to reconsider said Decision.

Reconsideration is hereby granted as to JORGE S. SERVIN only and pursuant to Section 11521(b) of the Government Code, the matter is reassigned to an Administrative Law Judge of the Office of Administrative Hearings for hearing.

IT IS SO ORDERED August 13, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

FILED

JUL 12 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

JORGE S. SERVIN,

NO. H-2445 SD

Respondent.

ORDER STAYING EFFECTIVE DATE

On May 24, 1999, a Decision was rendered in the above-entitled matter to become effective July 24, 1999. On July 6, 1999, Respondent petitioned for reconsideration of the Decision of May 24, 1999.

IT IS HEREBY ORDERED that the effective date of the Order of the Commissioner of May 24, 1999, is stayed for a period of thirty (30) days.

The Order of the Commissioner of May 24, 1999, shall become effective at 12 o'clock noon on August 23, 1999.

DATED: July 12, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 24 1999

DEPARTMENT OF REAL ESTATE

By Jean Ramo

* * *

In the Matter of the Accusation of)
DON PERRY & ASSOCIATES;)
DON PERRY; and,) NO. H-2445 SD
JORGE S. SERVIN;)
Respondents.)

DECISION
(As to JORGE S. SERVIN)

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 15, 1999, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and, (3) other evidence.

FINDINGS OF FACT

I

On October 20, 1998, J. Chris Graves made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on October 20, 1998.

On January 15, 1999, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent JORGE S. SERVIN ("Respondent") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate salesperson.

III

From prior to July 10, 1996, and continuing through at least June 3, 1998, Respondent SERVIN was employed by Don Perry and Associates ("DPA"), a licensed real estate brokerage corporation, to perform acts requiring a real estate license. Respondent SERVIN's license was suspended on or about January 28, 1997, and remained suspended until on or about July 9, 1998.

IV

During the above period when Respondent's license was suspended, Respondent received and accepted compensation from DPA for said acts. Said acts include, but are not limited to, the following transactions involving the purchase and sale of real property:

56 17th Street
San Diego, California

16 Dahlia Drive
National City, California

647 Raven Street
San Diego, California

1450 F Street
San Diego, California.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10137 and 10177(d).

II

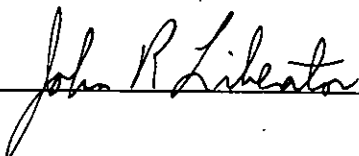
The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent JORGE S. SERVIN under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

DATED: May 24, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789

FILED
JAN 15 1999

DEPARTMENT OF REAL ESTATE
By Kathleen Contreras

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

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
DON PERRY & ASSOCIATES;) NO. H-2445 SD
DON PERRY; and,) DEFAULT ORDER
JORGE S. SERVIN;)
Respondents.)

Respondent, JORGE S. SERVIN, having failed to file a
Notice of Defense within the time required by Section 11506 of the
Government Code, is now in default. It is, therefore, ordered
that a default be entered on the record in this matter.

IT IS SO ORDERED January 15, 1999.

JOHN R. LIBERATOR
Acting Commissioner

By: Steven J. Ellis
STEVEN J. ELLIS
Regional Manager

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
APR 20 1999

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 Accusation of)
12 DON PERRY & ASSOCIATES;) NO. H-2445 SD
13 DON PERRY; and,) STIPULATION AND
14 JORGE S. SERVIN;) AGREEMENT
15 _____ Respondents.)

16 It is hereby stipulated by and between DON PERRY &
17 ASSOCIATES ("Respondent DPA") and DON PERRY ("Respondent PERRY")
18 (collectively "Respondents"); and the Complainant, acting by and
19 through Thomas C. Lasken, Counsel for the Department of Real
20 Estate; as follows, for the purpose of settling and disposing of
21 the Accusation filed on October 20, 1998, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondents
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA) (Government Code Section 11500 et seq.), shall
27 instead and in place thereof be submitted solely on the basis of
the provisions of this Stipulation and Agreement.

1 2. Respondents have received, read and understand the
2 Statement to Respondent, the Discovery Provisions of the APA, and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On November 10, 1998, Respondents filed their Notice
6 of Defense pursuant to Section 11505 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondents hereby freely and voluntarily withdraw
9 their Notice of Defense. Respondents acknowledge that by
10 withdrawing said Notice of Defense they will thereby waive their
11 right to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that they will waive other rights
14 afforded to them in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations
18 contained in the Accusation. In the interests of expedience and
19 economy, Respondents choose not to contest these allegations, but
20 to remain silent and understand that, as a result thereof, these
21 factual allegations, without being admitted or denied, will serve
22 as a prima facie basis for the disciplinary action stipulated to
23 herein. The Real Estate Commissioner shall not be required to
24 provide further evidence to prove said factual allegations.

25 5. It is understood by the parties that the Real Estate
26 Commissioner may adopt the Stipulation and Agreement as his
27 Decision in this matter, thereby imposing the penalty and

ORDER

- 1
- 2 A. The real estate broker license and all license rights of
- 3 Respondents under the Real Estate Law are revoked.
- 4 B. A restricted real estate broker license shall be issued to
- 5 Respondents pursuant to Business and Professions Code Section
- 6 10156.5, if Respondents make application therefor and pay to
- 7 the Department the appropriate fee for said license within
- 8 ninety (90) days from the effective date of this ORDER.
- 9 C. The restricted license issued to Respondents shall be subject
- 10 to all the provisions of Section 10156.7 of the Business and
- 11 Professions Code and to the following limitations, conditions
- 12 and restrictions imposed under authority of Section 10156.6
- 13 of said Code:
- 14 (1) The license shall not confer any property right in the
- 15 privileges to be exercised, and the Real Estate
- 16 Commissioner may by appropriate order suspend the right
- 17 to exercise any privileges granted under the restricted
- 18 license in the event of:
- 19 (a) The conviction of Respondents (including a plea of
- 20 nolo contendere) to a crime which bears a
- 21 significant relation to Respondents' fitness or
- 22 capacity as a real estate licensee; or,
- 23 (b) The receipt of evidence that Respondents have
- 24 violated provisions of the California Real Estate
- 25 Law, Subdivided Lands Law, Regulations of the Real
- 26 Estate Commissioner or conditions attaching to the
- 27 restricted license.

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

7 D. Respondent PERRY shall, within nine (9) months from the
8 effective date of this ORDER, present evidence satisfactory
9 to the Real Estate Commissioner that he has, since the most
10 recent issuance of an original or renewal real estate
11 license, taken and successfully completed the continuing
12 education requirements of Article 2.5 of Chapter 3 of the
13 Real Estate Law for renewal of a real estate license. If
14 Respondent PERRY fails to satisfy this condition, the
15 Commissioner may order the suspension of his restricted
16 license until Respondent PERRY presents such evidence. The
17 Commissioner shall afford Respondent PERRY the opportunity
18 for a hearing pursuant to the Administrative Procedure Act to
19 present such evidence.

20 E. Respondent PERRY shall, within six (6) months from the
21 effective date of the restricted license, take and pass the
22 Professional Responsibility Examination administered by the
23 Department including the payment of the appropriate
24 examination fee. If Respondent PERRY fails to satisfy this
25 condition, the Commissioner may order the suspension of the
26 restricted license until Respondent PERRY passes the
27 examination.

1 F. Any restricted real estate broker license issued to
2 Respondents may be suspended or revoked for a violation by
3 Respondents of any of the conditions attaching to the
4 restricted license.

5
6 March 12, 1989

DATED

Thomas C. Lasken

THOMAS C. LASKEN, Counsel
DEPARTMENT OF REAL ESTATE

8 * * *

9 I have read the Stipulation and Agreement and its terms are
10 understood by me and are agreeable and acceptable to me. I
11 understand that I am waiving rights given to me by the
12 California Administrative Procedure Act (including but not
13 limited to Sections 11506, 11508, 11509 and 11513 of the
14 Government Code), and I willingly, intelligently and
15 voluntarily waive those rights, including the right of
16 requiring the Commissioner to prove the allegations in the
17 Accusation at a hearing at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.

20 DON PERRY AND ASSOCIATES
21 Respondent

22 3-8-89

DATED

By:

Don Perry

DON PERRY
Designated Officer

26 3-8-89

DATED

Don Perry

DON PERRY, Respondent

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

* * *

The foregoing Stipulation and Agreement is hereby
adopted by the Real Estate Commissioner as his Decision and Order
and shall become effective at 12 o'clock noon on
May 10, 1999.

IT IS SO ORDERED April 5, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

5 Telephone: (916) 227-0789

FILED
OCT 20 1998
DEPARTMENT OF REAL ESTATE

6 By Juan Antonio

7
8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 DON PERRY & ASSOCIATES;)
DON PERRY; and,)
15 JORGE S. SERVIN;)
Respondents.)

NO. H-2445 SD
ACCUSATION

16
17 The Complainant, J. Chris Graves, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against DON PERRY & ASSOCIATES (hereinafter "Respondent DPA");
20 DON PERRY (hereinafter "Respondent PERRY"); and JORGE S. SERVIN
21 (hereinafter "Respondent SERVIN"); is informed and alleges as
22 follows:

23 I

24 Respondent DPA is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "Code") as a real
27 estate broker corporation.

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

II

Respondent PERRY is presently licensed and/or has license rights under the Code as a real estate broker.

III

Respondent SERVIN is presently licensed and/or has license rights under the Code as a real estate salesperson.

IV

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

V

At all times herein mentioned, Respondents DPA, PERRY, and SERVIN were performing acts requiring a real estate license.

VI

At all times herein mentioned, Respondent DPA was licensed by and through Respondent PERRY as its designated broker officer.

VII

From prior to July 10, 1996, and continuing through at least June 3, 1998, Respondent SERVIN was employed by Respondent DPA to perform acts requiring a real estate license. Respondent SERVIN's license was suspended on or about January 28, 1997, and remained suspended until on or about July 9, 1998.

VIII

During the above period when Respondent SERVIN's license was suspended, Respondent DPA employed and compensated Respondent SERVIN for performing acts requiring a real estate, and Respondent

1 SERVIN received and accepted compensation from Respondent DPA for
2 said acts. Said acts include, but are not limited to, the
3 following transactions involving the purchase and sale of real
4 property:

5 56 17th Street
6 San Diego, California

7 16 Dahlia Drive
8 National City, California

9 647 Raven Street
10 San Diego, California

11 1450 Ebbs Street
12 San Diego, California.

13 IX

14 When Respondent DPA employed Respondent SERVIN on or
15 about July 10, 1996, it failed to notify the Real Estate
16 Commissioner of that fact in writing, in violation of Section
17 10161.8 of the Code and of Section 2752, Title 10, California Code
18 of Regulations.

19 X

20 The facts alleged in Paragraph VIII above constitute
21 violation of Sections 10137 and 10138 of the Code, and are cause
22 under Sections 10137 and 10138 of the Code for the suspension or
23 revocation of all licenses and license rights of Respondent DPA
24 under the Real Estate Law.

25 XI

26 The facts alleged in Paragraph IX above are cause under
27 Section 10177(d) of the Code for the suspension or revocation of
all licenses and license rights of Respondent DPA under the Real
Estate Law.



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

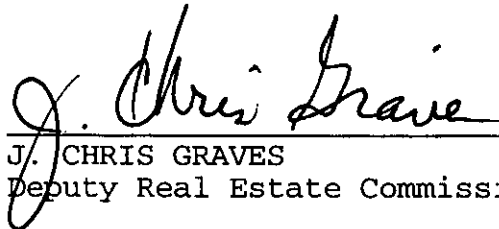
XII

The facts alleged in Paragraph VIII above constitute violation of Sections 10130, 10137, and 10139 of the Code, and are cause under Sections 10137 and 10177(d) of the Code for the suspension or revocation of all licenses and license rights of Respondent SERVIN under the Real Estate Law.

XIII

During the period from January 28, 1997, to at least June 3, 1998, Respondent PERRY, as designated broker-officer for Respondent DPA, failed to exercise reasonable supervision and control over the licensed activities of Respondent DPA as required by Section 10159.2 of the Code. Such failure is cause for the suspension or revocation of Respondent PERRY's licenses and/or license rights under Section 10177(h) of the Code.

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 Respondents under the Real Estate Law (Part 1 of Division 4 of the Code), and for such other and further relief as may be proper under other applicable provisions of law.



J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 23rd day of September, 1998.

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

JAN 6 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

DON PERRY & ASSOCIATES;
DON PERRY; and,
JORGE S. SERVIN;

}

Case No. H-2445 SD

OAH No. L-1998120353

Respondent

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 _____
The Office of Administrative Hearings, 1350 Front Street,
Suite 6022, San Diego, California 92101

on March 8, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation 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.

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 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: January 6, 1999

By Thomas C. Lasken
THOMAS C. LASKEN Counsel