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FILED
APR - 3 2013
DEPARTMENT OF REAL ESTATE

James B. Clon

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H-2499 FR
WEBBER NELSON & SMITH INC,)	
<u>CHARLES JOSEPH KELMIS</u> , and)	
JOSEPH CHARLES WILLIAMS,)	
Respondents.)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: Charles Joseph Kelmis
4245 Prairie Road
Paso Robles, CA 93446

On October 24, 2012, a restricted real estate broker license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision of July 1, 2012, in Case No. H-2499 FR. This Order, which was effective August 9, 2012, granted Respondent the right to the issuance of a restricted real estate broker license subject to the provisions of Section

1 10156.7 of the California Business and Professions Code
2 (hereinafter "Code") and to enumerated additional terms,
3 conditions and restrictions imposed under authority of Section
4 10156.6 of said Code. Among those terms, conditions and
5 restrictions, Respondent was required to provide proof
6 satisfactory to the Real Estate Commissioner, within 6 months of
7 the effective date of the Decision, of paying restitution as
8 follows: \$10,287 to Ines Monguio, \$19,976 to Steve Benakovich,
9 \$2,989 to Rafael Rosas, \$1,800 James P. Gentry, \$2,230 to Dan
10 Larsen and \$2,300 to Josephine Brown. The Commissioner has
11 determined that as of February 9, 2013, Respondent has failed to
12 satisfy this condition, and as such, is in violation of Section
13 10177(k) of the Code. (Respondent has no right to renew the
14 restricted license if this condition isn't satisfied by the date
15 of its expiration. (Section 10156.7 of the Business and
16 Professions Code.)

17 NOW, THEREFORE, IT IS ORDERED under authority of
18 Section 10156.7 of the Business and Professions Code of the State
19 of California that the restricted real estate broker license
20 heretofore issued to Respondent and the exercise of any
21 privileges there under is hereby suspended until such time as
22 Respondent provides proof satisfactory to the Department of
23 compliance with the condition(s) referred to above, or pending
24 final determination made after hearing (see "Hearing Rights" set
25 forth below), or pending a subsequent agreement with the
26 Department.

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1 IT IS FURTHER ORDERED that all license certificates and
2 identification cards issued by Department which are in the
3 possession of Respondent be immediately surrendered by personal
4 delivery or by mailing in the enclosed, self-addressed envelope
5 to:

6 Department of Real Estate
7 Attn: Flag Section
8 P. O. Box 187000
9 Sacramento, CA 95818-7000

10 HEARING RIGHTS: Pursuant to the provisions of Section
11 10156.7 of the Business and Professions Code, you have the right
12 to a hearing to contest the Commissioner's determination that you
13 are in violation of Section 10177(k) of the Code. If you desire
14 a hearing, you must submit a written request. The request may be
15 in any form, as long as it is in writing and indicates that you
16 want a hearing. Unless a written request for a hearing, signed
17 by or on behalf of you, is delivered or mailed to the Department
18 at Los Angeles, California, within 20 days after the date that
19 this Order was mailed to or served on you, the Department will
20 not be obligated or required to provide you with a hearing.

21 This Order shall be effective immediately.

22 DATED: March 21, 2013.

23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

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