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3 **FILED**

4 AUG 30 2013

5 BUREAU OF REAL ESTATE

6 By K. Contreras

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

11 \* \* \*

12 In the Matter of the Accusation of )

13 JOHN W. POSTGATE, )

14 Respondent. )

15 NO. H-2730 FR

16  
17 ORDER ACCEPTING VOLUNTARY SURRENDER

18 On April 6, 2012, an Accusation was filed in this matter against Respondent  
19 JOHN W. POSTGATE.

20 By Declaration signed by Respondent JOHN W. POSTGATE, dated April 17,  
21 2013, Respondent JOHN W. POSTGATE petitioned the Real Estate Commissioner to  
22 voluntarily surrender his real estate licenses pursuant to Section 10100.2 of the Business and  
23 Professions Code.

24 IT IS HEREBY ORDERED, the petition of Respondent JOHN W. POSTGATE  
25 for voluntary surrender of his real estate licenses is accepted as of the effective date of this Order  
26 as set forth below, based upon the understanding and agreement expressed in the Declaration of  
27 Respondent JOHN W. POSTGATE dated April 17, 2013 (attached hereto as Exhibit "A"). The

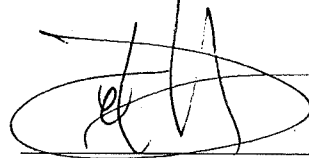
1 license certificate and pocket card issued to Respondent JOHN W. POSTGATE shall be sent to  
2 the below listed address so that they reach the Bureau of Real Estate on or before the effective  
3 date of this Order:

4  
5 **BUREAU OF REAL ESTATE**  
6 **Attn: Licensing Flag Section**  
7 P. O. Box 137013  
8 Sacramento, CA 95813-7013

9 This Order shall become effective at 12 o'clock noon on SEP 19 2013.

10 DATED: August 28, 2013.

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12 REAL ESTATE COMMISSIONER

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16 **By: JEFFREY MASON**  
17 **Chief Deputy Commissioner**  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
JOHN W. POSTGATE,  
Respondent.

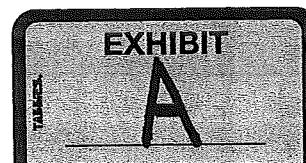
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No. H-2730 FR

DECLARATION

My name is JOHN W. POSTGATE, I was licensed as a real estate broker until my license expired on January 2, 2013; however, I currently have license rights with respect to said license. I am represented by GREGORY J. KOHLER, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.



1 I understand that by so voluntarily surrendering my license, I may be relicensed as  
2 a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of  
3 the Government Code. I also understand that by so voluntarily surrendering my license, I agree  
4 to the following:

5 1. The filing of this Declaration shall be deemed as my petition for voluntary  
6 surrender.

7 2. It shall also be deemed to be an understanding and agreement by me that I  
8 waive all rights I have to require the Commissioner to prove the allegations that might have been  
9 contained in the Accusation filed in this matter at a hearing held in accordance with the  
10 provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and  
11 that I also waive other rights afforded to me in connection with the hearing such as the right to  
12 discovery, the right to present evidence in defense of the allegations in the Accusation and the  
13 right to cross-examine witnesses.

14 3. I further agree that upon acceptance by the Commissioner, as evidenced by  
15 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this  
16 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
17 filed in the Department Case No. H-2730 FR, may be considered by the Department to be true  
18 and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
19 Government Code Section 11522.

20 4. I freely and voluntarily surrender my license and license rights under the  
21 Real Estate Law.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 above is true and correct and that this declaration was executed April 17<sup>th</sup>, 2013, at  
24 Corpus Christi, Texas.

25 John W. Postgate, Jr.  
26 JOHN W. POSTGATE  
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