

FILED

JAN 10 2008

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-2835 SD
JUERGEN SCHMID,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On April 23, 2003, 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 May 27, 2003, and Respondent has operated as a restricted licensee since that time.

On March 21, 2006, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

7

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:

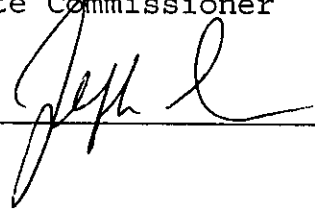
12 (a) Submit a completed application and pay the
13 appropriate fee for a real estate salesperson license, and

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 1-9-02

20 JEFF DAVI
21 Real Estate Commissioner

22 
23
24
25
26
27

FILED
MAY 21 2003

DEPARTMENT OF REAL ESTATE

Shelly Kelly

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JUERGEN SCHMID

Respondent

No. H- 2835 SD

**STIPULATION AND
WAIVER**

I, JUERGEN SCHMID, 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 March 28, 2003, 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 she may in her 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 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
2 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
3 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
4 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
5 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
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted 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
12 restricted 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
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to 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
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
20 conditions attaching to this restricted license.

21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until two years have 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, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

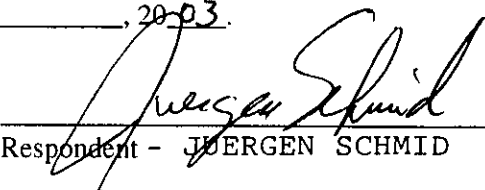
1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and

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

6 4. My restricted real estate salesperson license is issued subject to the requirements of Section
7 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)
8 months of the issuance of the restricted license, to submit evidence satisfactory to the
9 Commissioner of successful completion, at an accredited institution, of two of the courses listed
10 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
11 advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the
12 Department satisfactory evidence of successful completion of the two required courses, the
13 restricted license shall be automatically suspended effective eighteen (18) months after the date
14 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted
15 license, I have submitted the required evidence of course completion and the Commissioner has
16 given written notice to me of the lifting of the suspension.

17 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
18 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
19 entitled to the issuance of another license which is subject to Section 10153.4 until four years
20 after the date of the issuance of the preceding restricted license.

21 DATED this 7 day of APRIL, 2003.

22 
23 Respondent - JOERGEN SCHMID

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

This Order is effective immediately.

~~Real Estate Commissioner~~

Real Estate Commissioner

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
MAR 28 2003

DEPARTMENT OF REAL ESTATE

Shelly El

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

) No. H-2835 SD

12 JUERGEN SCHMID,)

) STATEMENT OF ISSUES

13 Respondent.)

14
15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JUERGEN SCHMID (hereinafter "Respondent") alleges as
18 follows:

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application to
22 the Department of Real Estate of the State of California for a
23 real estate salesperson license on or about April 9, 2002, with
24 the knowledge and understanding that any license issued as a
25 result of said application would be subject to the conditions of
26 Section 10153.4 of the Business and Professions Code.

27 ///

1 II

2 Complainant, J. Chris Graves, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

5 III

6 In response to Question 25 of said application, to wit:
7 "Have you ever been convicted of any violation of law? ...If yes,
8 complete #27 below.", Respondent answered "No".

9 IV

10 On or about March 12, 1997, in the Municipal Court of
11 Airport Branch Judicial District, County of Los Angeles, State of
12 California, Respondent was convicted of violation of California
13 Penal Code Section 242 (Battery), a crime involving moral
14 turpitude which is substantially related under Section 2910,
15 Title 10, California Code of Regulations (hereinafter the
16 "Regulations") to the qualifications, functions or duties of a
17 real estate licensee.

18 V

19 Respondent's failure to reveal the conviction set forth
20 in Paragraph IV above in said application constitutes the attempt
21 to procure a real estate license by fraud, misrepresentation, or
22 deceit, or by making a material misstatement of fact in said
23 application, which failure is cause for denial of Respondent's
24 application for a real estate license under Sections 480(c) and
25 10177(a) of the California Business and Professions Code.

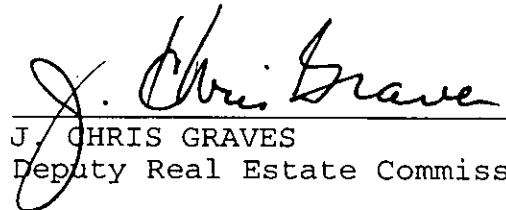
26 ///

27 ///

VI

Respondent's criminal conviction, as alleged in Paragraph IV above, 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
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 24th day of March, 2003.