

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

FILED
FEB 24 2004

DEPARTMENT OF REAL ESTATE

By Laurel Egan

In the Matter of the Accusation of)
EDWARD BIGELOW FARLEY, JR.,)
Respondent.)

NO. H-2844 SD

DECISION

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 8, 2004, 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 or about April 29, 2003, J. Chris Graves, made an 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 May 9, 2003.

On January 8, 2004, 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 is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code"), as a real estate broker.

III

Within the three year period immediately preceding the filing the Accusation in this matter, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act a real estate broker in the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a real estate property management business with the public wherein, on behalf of others and for compensation or in expectation of compensation, Respondent solicited prospective tenants for,

negotiated rental agreements for, collected rents from and otherwise managed certain properties located in or near San Diego, California.

IV

Within the three year period immediately preceding the filing of the Accusation in this matter, Respondent operated his real estate business under the fictitious business name "Presidio Realty" without Respondent obtaining a license bearing said fictitious business name.

V

On or about January 24, 2003, a subpoena duces tecum issued by the Real Estate Commissioner was served on Respondent, requiring the records, papers, books, accounts and documents executed or obtained in connection with transactions for which a real estate license is required be made available for examination and inspection. Respondent failed and refused to make said records available for inspection and/or failed to retain said records.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists as described in Paragraph IV above, pursuant to Business and Professions Code Section 10177(d) in conjunction with Section 2731 of Title 10, California Code of Regulations.

II

Cause for disciplinary action against Respondent exists as described in Paragraph V above, pursuant to Business and Professions Code Section 10177(d) in conjunction with Section 10148.

III

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

ORDER


All licenses and licensing rights of Respondent EDWARD BIGELOW FARLEY, JR., under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

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This Decision shall become effective at 12 o'clock noon on
MARCH 16, 2004.

DATED: January 28, 2004

JOHN R. LIBERATOR
Chief Deputy Commissioner



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

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JAN - 8 2004

DEPARTMENT OF REAL ESTATE



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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
EDWARD BIGELOW FARLEY, JR.,) No. H-2844 SD
Respondent.) DEFAULT ORDER

Respondent, EDWARD BIGELOW FARLEY, JR., 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 8, 2004.

JOHN R. LIBERATOR
Chief Deputy Commissioner

By:



STEVEN J. ELLIS
Regional Manager

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
MAY - 9 2003

DEPARTMENT OF REAL ESTATE

By Laurie [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No.: H-2844 SD
12 EDWARD BIGELOW FARLEY, JR.,)
13 Respondent.) ACCUSATION
14)

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EDWARD BIGELOW FARLEY JR. (hereinafter "Respondent", is
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 Business and Professions Code (hereinafter "Code") as a real
23 estate broker.

24 II

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

1 III

2 Within the three year period immediately preceding the
3 filing of this Accusation, Respondent engaged in the business
4 of, acted in the capacity of, advertised or assumed to act as a
5 real estate broker in the State of California within the meaning
6 of Section 10131(b) of the Code, including the operation and
7 conduct of a real estate property management business with the
8 public wherein, on behalf of others and for compensation or in
9 expectation of compensation, Respondent solicited prospective
10 tenants for, negotiated rental agreements for, collected rents
11 from and otherwise managed certain properties located in or near
12 San Diego, California.

13 IV

14 Within the three year period immediately preceding the
15 filing of this Accusation, Respondent operated his real estate
16 business under the fictitious business name "Presidio Realty"
17 without Respondent obtaining a license bearing said fictitious
18 business name as required by Section 2731 of Title 10,
19 California Code of Regulations (hereinafter "the Regulations").

20 V

21 On or about January 24, 2003, a subpoena duces tecum
22 issued by the Real Estate Commissioner was served on Respondent,
23 requiring that records, papers, books, accounts and documents
24 executed or obtained in connection with transactions for which a
25 real estate license is required be made available for
26 examination and inspection. Respondent failed and refused to

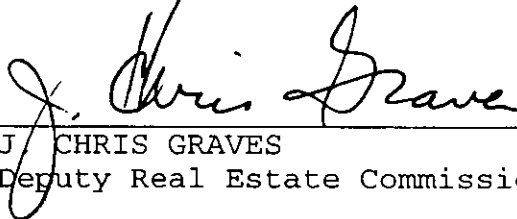
27 ///

1 make said records available for inspection and/or failed to
2 retain said records.

3 VI

4 The acts and/or omissions of Respondent described
5 above are grounds for the suspension or revocation of
6 Respondent's license and/or license rights under Section
7 10177(d) of the Code in conjunction with Section 10148 of the
8 Code and Section 2731 of the Regulations.

9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of Respondent
13 under the Real Estate Law (Part 1 of Division 4 of the Business
14 and Professions Code), and for such other and further relief as
15 may be proper under other provisions of law.

16
17 
18 J. CHRIS GRAVES
Deputy Real Estate Commissioner

19 Dated at San Diego, California,
20 this 29th day of April, 2003.

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