



1 I have considered the petition of Respondent and the  
2 evidence and arguments 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  
5 for 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.

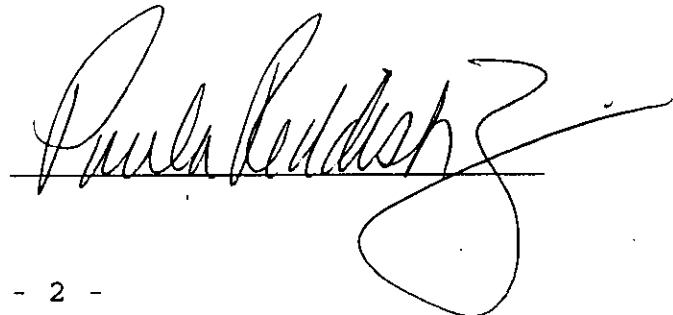
8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for removal of restrictions is granted and that a real  
10 estate salesperson license be issued to Respondent if Respondent  
11 satisfies the following conditions within nine months from the  
12 date of this Order:

- 13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.
- 15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: July 8, 2003  
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23 PAULA REDDISH ZINNEMANN  
24 Real Estate Commissioner

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FILED  
DEC 13 1994  
DEPARTMENT OF REAL ESTATE

By Louise A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
WAYNE BARNI, ) No. H-2862 SAC  
Respondent. )  
\_\_\_\_\_ )

ORDER GRANTING UNRESTRICTED LICENSE

On May 3, 1993, an Order was rendered herein denying the Respondent's application for real estate 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 12, 1993, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On May 24, 1994, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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1 I have considered the petition of Respondent and the  
2 evidence and arguments 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 petition  
9 for removal of restrictions is granted and that a real estate  
10 salesperson license be issued to Respondent subject to the  
11 following understanding and conditions:

12 1. The license issued pursuant to this order shall be  
13 deemed to be the first renewal of Respondent's real estate  
14 salesperson license for the purpose of applying the provisions of  
15 Section 10153.4.

16 2. Within six (6) months from the date of this order,  
17 Respondent shall:

18 (a) Submit a completed application and pay the  
19 appropriate fee for a real estate salesperson license;  
20 and

21 (b) Submit evidence of having taken and successfully  
22 completed the courses specified in subdivisions (a) and  
23 (b) of Section 10170.5 of the Real Estate Law for  
24 renewal of a real estate license.

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1           3. Upon renewal of the license issued pursuant to this  
2 order, Respondent shall submit evidence of having taken and  
3 successfully completed the continuing education requirements of  
4 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
5 real estate license.

6           4. Respondent's restricted real estate salesperson  
7 license was issued subject to the provisions of Section 10153.4 of  
8 the Business and Professions Code, and the real estate salesperson  
9 license issued to Respondent herein shall be similarly limited, to  
10 wit: Respondent shall, within eighteen (18) months of the  
11 issuance of Respondent's restricted real estate salesperson  
12 license under the provisions of Section 10153.4 of the Business  
13 and Professions Code, submit evidence satisfactory to the  
14 Commissioner of successful completion, at an accredited  
15 institution, of two of the courses listed in Section 10153.2,  
16 other than real estate principles, advanced legal aspects of real  
17 estate, advanced real estate finance or advanced real estate  
18 appraisal. If Respondent fails to present satisfactory evidence  
19 of successful completion of said courses, the real estate license  
20 shall be automatically suspended effective eighteen (18) months  
21 after issuance of Respondent's restricted real estate salesperson  
22 license. Said suspension shall not be lifted until Respondent has  
23 submitted the required evidence of course completion and the  
24 Commissioner has given written notice to the Respondent of lifting  
25 of the suspension.

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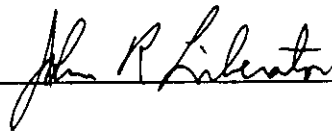
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This Order shall be effective immediately.

DATED: December 8, 1994

JOHN R. LIBERATOR  
Interim Commissioner

  
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**FILED**  
MAY 10 1993

DEPARTMENT OF REAL ESTATE

By Emily Ikeda

**BEFORE THE DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

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In the Matter of the Application of

WAYNE BARNI,

Respondent.

No. H- 2862 SAC

**STIPULATION AND WAIVER**

I, WAYNE BARNI, 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 25, 1993, 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 he may in his 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

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance  
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to  
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such  
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions  
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted  
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.  
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted  
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a restricted  
14 license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right  
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to  
17 exercise any privileges granted under this restricted license in the event of:
  - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate  
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions  
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor  
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,  
27 respondent shall submit a statement signed by the prospective employing broker on a form



1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under  
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence  
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the  
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real  
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present  
12 satisfactory evidence of successful completion of said courses, the restricted license shall be  
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted  
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence  
15 of course completion and the Commissioner has given written notice to the respondent of lifting  
16 of the suspension.

17 DATED this 14 day of April, 19 93.

18  
19   
20 Respondent  
21 WAYNE BARNI

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
6 respondent WAYNE BARNI if respondent has otherwise fulfilled  
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and  
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 3<sup>rd</sup> day of May, 19 93.

11 CLARK WALLACE  
12 Real Estate Commissioner

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14

1 DAVID A. PETERS, Counsel  
 2 Department of Real Estate  
 3 P. O. Box 187000  
 4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

**FILED**  
 MAR 25 1993  
 DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE  
 9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of )  
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16 **WAYNE BARNI,** )  
 17 )  
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20 Respondent. )

NO. H-2862 SAC  
STATEMENT OF ISSUES

16 The Complainant, Charles W. Koenig, a Deputy Real Estate  
 17 Commissioner of the State of California, for Statement of Issues  
 18 against **WAYNE BARNI** aka William Wayne Barni (hereinafter  
 19 "Respondent") alleges as follows:

20 I

21 Respondent, pursuant to the provisions of Section  
 22 10153.3 of the Business and Professions Code, made application to  
 23 the Department of Real Estate of the State of California for a  
 24 real estate salesperson license on or about October 16, 1992, with  
 25 the knowledge and understanding that any license issued as a  
 26 result of said application would be subject to the conditions of  
 27 Section 10153.4 of the Business and Professions Code.

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II

Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

On or about December 18, 1991, in the Municipal Court of California, Shasta County, Redding Judicial District, Respondent was convicted of a violation of Section 837/488 of the California Penal Code (Petty Theft - Shoplifting), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III 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 in the premises.

  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 15th day of March, 1993