

FILED
JAN 13 2004

DEPARTMENT OF REAL ESTATE

By: Althea Contreras

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
))
))
))
))
))
))
))
))
))

DISMISSAL

Respondent, JOHN TIMOTHY McCANN, having withdrawn his application filed on or about March 24, 2003, for a real estate broker license, the Statement of Issues against Respondent JOHN TIMOTHY McCANN herein filed on September 2, 2003, is DISMISSED.

IT IS SO ORDERED this 7th day of January, 2004.

Real Estate Commissioner

By: John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Commissioner

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
OCT - 7 2003

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Application of

JOHN TIMOTHY McCANN,

}

Case No. H-2891 SD

OAH No. L-2003090277

Respondent

**FIRST CONTINUED
NOTICE OF HEARING ON APPLICATION**

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

THE OFFICE OF ADMINISTRATIVE HEARINGS

1350 FRONT STREET, ROOM 6022

SAN DIEGO, CALIFORNIA 92101

on **DECEMBER 18, 2003**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: OCTOBER 6, 2003

By

Larry A. Alamao
LARRY A. ALAMA, Counsel

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP 10 2003

DEPARTMENT OF REAL ESTATE

By *Alleen Contreras*

In the Matter of the Application of

JOHN TIMOTHY McCANN,

}
}

Case No. H-2891 SD

OAH No.

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

THE OFFICE OF ADMINISTRATIVE HEARINGS

1350 FRONT STREET, ROOM 6022

SAN DIEGO, CALIFORNIA 92101

on **OCTOBER 7, 2003**, at the hour of **1:30 PM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: SEPTEMBER 10, 2003

By *Larry Alamao*
LARRY A. ALAMA, Counsel

1 LARRY A. ALAMAO, Counsel
2 State Bar No. 47379
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
SEP - 2 2003

DEPARTMENT OF REAL ESTATE

By *Katherine Contreras*

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 JOHN TIMOTHY McCANN,) NO. H-2891 SD
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JOHN TIMOTHY McCANN (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate broker
23 license on or about March 24, 2003.

24 II

25 Complainant, J. CHRIS GRAVES, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity and not otherwise.

1 III

2 On or about June 8, 1999, in the Superior Court,
3 County of Sacramento, Respondent was convicted of a violation
4 of Section 11378 of the California Health and Safety Code
5 (Possession for Sale of Controlled Substance), a crime involving
6 moral turpitude which bears a substantial relationship under
7 Section 2910, Title 10, California Code of Regulations, to
8 the qualifications, functions, or duties of a real estate
9 licensee.

10 IV

11 On or about May 21, 2001, the State of California
12 Department of Motor Vehicles in Case No. RS-00-1262 denied
13 Respondent's vehicle salesperson license application for
14 violations of Vehicle Code Sections 11703(d) and 11806(d).

15 V

16 The crime of which Respondent was convicted, as
17 alleged in Paragraph III, constitutes cause for denial of
18 Respondent's application for a real estate license under
19 Sections 480(a) and 10177(b) of the California Business and
20 Professions Code.

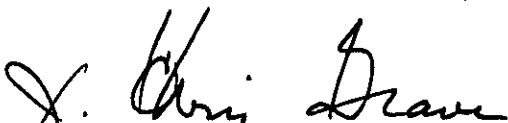
21 VI

22 The denial of Respondent's license application as
23 described in Paragraph IV above, constitutes cause for denial
24 of Respondent's application for a real estate license under
25 Sections 480(a) and 10177(f) of the California Business and
26 Professions Code.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 26th day of August, 2003.