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FILED

MAY 13 2009

DEPARTMENT OF REAL ESTATE

By K. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
SCOT EVAN GINSBURG,  
Respondent.

No. H-3212 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 7, 2005, a Decision was rendered herein revoking the real estate salesperson license of Respondent, 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 October 11, 2005, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On May 27, 2008, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED  
SEP 20 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 SCOT EVAN GINSBURG, ) NO. H-3212 SD  
13 Respondent. ) STIPULATION AND AGREEMENT  
14 )

15 It is hereby stipulated by and between SCOT EVAN  
16 GINSBURG (hereafter Respondent), represented by John A. Mitchell,  
17 Attorney at Law, and the Complainant, acting by and through  
18 Deidre L. Johnson, Counsel for the Department of Real Estate, as  
19 follows for the purpose of settling and disposing the Accusation  
20 filed on June 13, 2005:

21 1. All issues which were to be contested and all  
22 evidence which was to be presented by Complainant and Respondent  
23 at a formal hearing on the Accusation, which hearing was to be  
24 held in accordance with the provisions of the Administrative  
25 Procedures Act (APA), shall instead and in place thereof be  
26 submitted solely on the basis of the provisions of this  
27 Stipulation and Agreement.

1           2. Respondent has received, read and understands the  
2 Statement to Respondent, and the Discovery Provisions of the APA  
3 filed by the Department of Real Estate in these proceedings.

4           3. On June 27, 2005, Respondent filed a Notice of  
5 Defense herein, pursuant to Section 11505 of the Government Code,  
6 for the purpose of requesting a hearing on the allegations in the  
7 Accusation. Respondent hereby freely and voluntarily withdraws  
8 said Notice of Defense. Respondent acknowledges that he  
9 understands that by withdrawing said Notice of Defense he will  
10 thereby waive his rights to require the Commissioner to prove the  
11 allegations in the Accusation at a contested hearing held in  
12 accordance with the provisions of the APA, and that he will waive  
13 other rights afforded to him in connection with the hearing, such  
14 as the right to present evidence in defense of the allegations  
15 and the right to cross-examine witnesses.

16           4. Respondent, pursuant to the limitations set forth  
17 below, hereby admits that the factual allegations in the  
18 Accusation filed in this proceeding are true and correct and the  
19 Real Estate Commissioner shall not be required to provide further  
20 evidence of such allegations.

21           5. It is understood by the parties that the Real Estate  
22 Commissioner may adopt the Stipulation and Agreement as the  
23 decision in this matter, thereby imposing the penalty and sanctions  
24 on the real estate license and license rights of Respondent, and  
25 as set forth in the below "Order". In the event that the  
26 Commissioner, in his discretion, does not adopt the Stipulation  
27 and Agreement, it shall be void and of no effect, and Respondent



1 Real Estate the appropriate fee for said license within  
2 ninety (90) days from the effective date of the Decision.

3 C. The restricted license issued to Respondent shall be subject  
4 to all of the provisions of Section 10156.7 of the Business  
5 and Professions Code and to the following limitations,  
6 conditions, and restrictions imposed under authority of  
7 Section 10156.6 of that Code:

8 (1) The restricted license issued to Respondent may be  
9 suspended prior to hearing by Order of the Real Estate  
10 Commissioner in the event of Respondent's conviction or  
11 plea of nolo contendere to a crime which is substantial  
12 related to Respondent's fitness or capacity as a real  
13 estate licensee.

14 (2) The restricted license issued to Respondent may be  
15 suspended prior to hearing by Order of the Real Estate  
16 Commissioner on evidence satisfactory to the  
17 Commissioner that Respondent has violated provisions of  
18 the California Real Estate Law, the Subdivided Lands  
19 Law, Regulations of the Real Estate Commissioner or  
20 conditions attaching to the restricted license.

21 (3) Respondent shall not be eligible to apply for the  
22 issuance of an unrestricted real estate license, nor  
23 the removal of any of the conditions of the restricted  
24 license, until two (2) years has elapsed from the  
25 effective date of this Decision.

26 (4) Respondent shall submit with any application for  
27 license under an employing broker, or any application

1 for transfer to a new employing broker, a statement  
2 signed by the prospective employing real estate broker  
3 on a form approved by the Department of Real Estate  
4 which shall certify:

5 (a) That the employing broker has read the  
6 Decision of the Commissioner which granted the  
7 right to a restricted license; and,


8 (b) That the employing broker will exercise close  
9 supervision over the performance by the  
10 restricted licensee relating to activities for  
11 which a real estate license is required.

12 (5) Respondent shall, within nine (9) months from the  
13 effective date of this Decision, present evidence  
14 satisfactory to the Real Estate Commissioner that  
15 Respondent has, since the most recent issuance of an  
16 original or renewal real estate license, taken and  
17 successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real  
19 Estate Law for renewal of a real estate license. If  
20 Respondent fails to satisfy this condition, the  
21 Commissioner may order the suspension of the restricted  
22 license until the Respondent presents such evidence.  
23 The Commissioner shall afford Respondent the  
24 opportunity for hearing pursuant to the Administrative  
25 Procedure Act to present such evidence.

26 (6) Respondent shall, within six (6) months from the  
27 effective date of this Decision, take and pass the

1 Professional Responsibility Examination administered by  
2 the Department including the payment of the appropriate  
3 examination fee. If Respondent fails to satisfy this  
4 condition, the Commissioner may order suspension of  
5 the restricted license until Respondent passes the  
6 examination.

7 August 18, 2005  
8 DATED

  
9 DEIDRE L. JOHNSON  
Counsel for the Complainant

10 \* \* \*

11 I have read the Stipulation and Agreement, have  
12 discussed it with my counsel, and its terms are understood by me  
13 and are agreeable and acceptable to me. I understand that I am  
14 waiving rights given to me by the California Administrative  
15 Procedure Act, and I willingly, intelligently and voluntarily  
16 waive those rights, including but not limited to the right of  
17 requiring the Commissioner to prove the allegations in the  
18 Accusation at a hearing at which I would have the right to cross-  
19 examine witnesses against me and to present evidence in defense  
20 and mitigation of the charges.

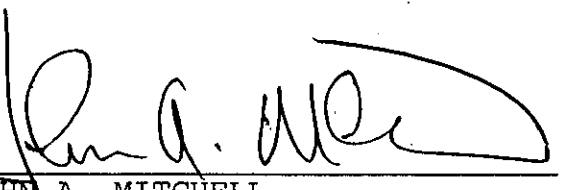
21 8/16/05

22 DATED

  
23 SCOT EVAN GINSBURG, Respondent

24 APPROVED AS TO FORM:

25 8/16/05  
26 DATED

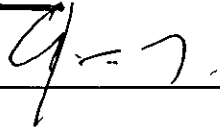
  
27 JOHN A. MITCHELL  
Attorney for Respondent



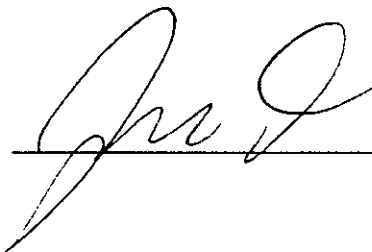
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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o'clock  
noon on October 11, 2005.

IT IS SO ORDERED , 2005.

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

1 DEIDRE L. JOHNSON, Counsel  
2 SBN 66322  
3 Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789

FILED  
JUN 13 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 SCOT EVAN GINSBURG, ) NO. H-3212 SD  
13 Respondent. ) ACCUSATION  
14 \_\_\_\_\_ )

15 The Complainant, CHARLES W. KOENIG, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against SCOT EVAN GINSBURG, is informed and alleges  
18 as follows:

19 I

20 SCOT EVAN GINSBURG (hereafter Respondent) is presently  
21 licensed and/or has license rights under the Real Estate Law,  
22 Part 1 of Division 4 of the California Business and Professions  
23 Code (hereafter the Code) as a real estate salesperson.

24 II

25 The Complainant, CHARLES W. KOENIG, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 against Respondent in his official capacity and not otherwise.

1 III

2 On or about June 14, 2002, in the Superior Court of  
3 California, County of San Diego, Respondent was convicted of  
4 violation of California Penal Code Section 550(b)(2)  
5 (ASSIST/CONSPIRE TO PREPARE/MAKE FALSE OR MISLEADING STATEMENT  
6 TO INSURER), a crime involving moral turpitude, and/or a crime  
7 which is substantially related under Section 2910, Title 10,  
8 California Code of Regulations to the qualifications, functions,  
9 or duties of a real estate licensee.

10 IV

11 The facts alleged in Paragraph III above constitute  
12 cause under Sections 490 and/or 10177(b) of the Code for  
13 suspension or revocation of all license(s) and license rights of  
14 Respondent under the Real Estate Law.

15 WHEREFORE, Complainant prays that a hearing be  
16 conducted on the allegations of this Accusation and that upon  
17 proof thereof a decision be rendered imposing disciplinary action  
18 against all license(s) and license rights of Respondent under  
19 the Real Estate Law (Part 1 of Division 4 of the Business and  
20 Professions Code), and for such other and further relief as may  
21 be proper under other provisions of law.

22  
23  
24   
25 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

26 Dated at Sacramento, California,  
27 this 13th day of June, 2005.