

FILED
JAN 19 2000

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
ANTHONY ALLEN PHILLIPS,)
Respondent.)

No. H-3252 SAC

ORDER GRANTING UNRESTRICTED LICENSE

On February 7, 1997, an Order 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 February 18, 1997, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On May 5, 1999, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that he meets the requirements of law for the
3 issuance to him of an unrestricted real estate salesperson
4 license and that it would not be against the public interest to
5 issue said license to him.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to him subject to the
9 following understanding and conditions:

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

14 2. Within nine (9) months from the date of this order
15 respondent shall:

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

18 (b) Submit evidence of having taken and successfully
19 completed the courses specified in subdivisions (a) (1),
20 (2), (3) and (4) of Section 10170.5 of the Real Estate
21 Law for renewal of a real estate license.

22 3. Upon renewal of the license issued pursuant to this
23 order, respondent shall submit evidence of having taken and
24 successfully completed the continuing education requirements of
25 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
26 real estate license.

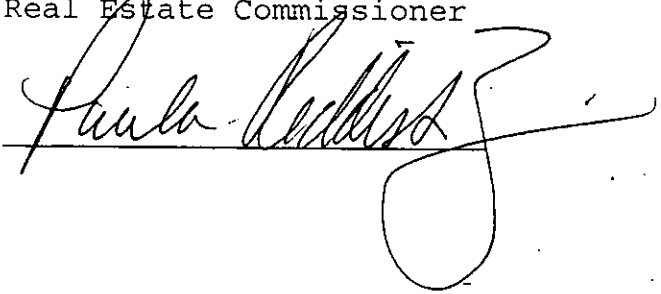
27 ///

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

This Order shall become effective immediately.

DATED: January 11, 2000, 1999.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A large, stylized handwritten signature in dark ink, appearing to read "Paula Reddish Zinnemann", is written over a horizontal line.

FILED
FEB 11 1997

DEPARTMENT OF REAL ESTATE

By *Lucie A. Zair*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

ANTHONY ALLEN PHILLIPS,

Respondent.

No. H- 3252 SAC

STIPULATION AND WAIVER

I, ANTHONY ALLEN PHILLIPS, 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 December 5, 1996, 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.

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 unrestricted
8 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
9 However, I am not waiving my right to a hearing and to further proceeding to obtain a restricted or unrestricted
10 license if this Stipulation and Waiver is not accepted by the Commissioner.

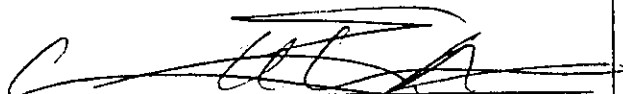
11 I further understand that the following conditions, limitations and restrictions will attach to a restricted
12 license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the right
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
15 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 Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to this restricted license.
- 21 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
22 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until one year has 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,
25 respondent shall submit a statement signed by the prospective employing broker on a form
26 approved by the Department of Real Estate wherein the employing broker shall certify as follows:
 - 27 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted

license; and

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

DATED this 7th day of January, 19 97.


Respondent ANTHONY ALLEN PHILLIPS

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

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

This Order is effective immediately.

DATED this 7th day of FEBRUARY, 19 97.

JIM ANTT, JR.
Real Estate Commissioner



FILED
DEC - 9 1996

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laurie A. Zain

In the Matter of the Application of

ANTHONY ALLEN PHILLIPS,

Case No. H-3252 SAC

GAH 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, 501 J Street, Suite 220 (Second
Floor Hearing Rooms), Sacramento, CA 95814

on Tuesday, January 7th, 1997, at the hour of 10:30 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

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 are 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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 9, 1996

By David A. Peters
DAVID A. PETERS *Counsel*

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
6 -or- (916) 227-0781

FILED
DEC - 5 1996
DEPARTMENT OF REAL ESTATE

Laurie A. Zain

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 ANTHONY ALLEN PHILLIPS,) No. H-3252 SAC
13 Respondent.) STATEMENT OF ISSUES

14
15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against ANTHONY ALLEN PHILLIPS (hereinafter "Respondent") alleges
18 as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about May 20, 1996.

23 II

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

27 ///

III

On or about March 20, 1987, in the Superior Court of the State of California in and for the County of Sacramento, Respondent was convicted of a violation of Section 11351 of the Health and Safety Code (Possession for Sale Cocaine/Marijuana), 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

On or about May 29, 1987, in the Superior Court of the State of California in and for the County of Sacramento, Respondent was convicted of violation of Section 11352 of the Health and Safety Code (Sale of a Controlled Substance), 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.

V

The crimes of which Respondent was convicted, as alleged in Paragraphs III and IV above, constitute 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.

///

///

///

///



1 WHEREFORE, the Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges contained
3 herein, that the Commissioner refuse to authorize the issuance of,
4 and deny the issuance of, a real estate salesperson license to
5 Respondent, and for such other and further relief as may be proper
6 in the premises.

7 
8 CHARLES W. KOENIG
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 2nd day of December, 1996.