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FILED

MAY 25 2011

DEPARTMENT OF REAL ESTATE

By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of

STEPHEN CLARK UHLIR,

Respondent.

No. H-3308 SD

ORDER GRANTING UNRESTRICTED LICENSE

On February 28, 2006, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 14, 2006, and Respondent has operated as a restricted licensee since that time.

On August 6, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

///

1 an unrestricted real estate broker license and that it would not be against the public interest to  
2 issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
4 restrictions is granted and that a real estate broker license be issued to Respondent if Respondent  
5 satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate broker  
7 license within the 12 month period following the date of this Order; and  
8 2. Submits proof that Respondent has completed the continuing education  
9 requirements for renewal of the license sought. The continuing education courses must be  
10 completed either (i) within the 12 month period preceding the filing of the completed  
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED

5/23/11

14 BARBARA J. BIGBY  
15 Acting Real Estate Commissioner

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1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0781

FILED  
MAR 08 2006

DEPARTMENT OF REAL ESTATE

By Rene Shanon

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

10 In the Matter of the Application of )  
11 )  
12 STEPHEN CLARK UHLIR, )  
13 Respondent. )

No. H-3308 SD

STIPULATION AND WAIVER

14  
15 It is hereby stipulated by and between STEPHEN CLARK  
16 UHLIR (hereafter Respondent), and Respondent's attorney Frank  
17 M. Buda, and the Complainant, acting by and through Truly  
18 Sughrue, Counsel for the Department of Real Estate, as follows  
19 for the purpose of settling and disposing of the Statement of  
20 Issues filed on October 20, 2005 in this matter:

21 Respondent acknowledges that Respondent has received  
22 and read the Statement of Issues and the Statement to Respondent  
23 filed by the Department of Real Estate in connection with  
24 Respondent's application for a real estate broker license.  
25 Respondent understands that the Real Estate Commissioner may hold  
26 a hearing on this Statement of Issues for the purpose of  
27 requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that he may in his  
2 discretion waive the hearing and grant Respondent a restricted  
3 real estate broker license based upon this Stipulation and  
4 Waiver. Respondent also understands that by filing the Statement  
5 of Issues in this matter the Real Estate Commissioner is shifting  
6 the burden to Respondent to make a satisfactory showing that  
7 Respondent meets all the requirements for issuance of a real  
8 estate broker license. Respondent further understands that by  
9 entering into this stipulation and waiver Respondent will be  
10 stipulating that the Real Estate Commissioner has found that  
11 Respondent has failed to make such a showing, thereby justifying  
12 the denial of the issuance to Respondent of an unrestricted real  
13 estate broker license.

14           Respondent hereby admits that the allegations of the  
15 Statement of Issues filed against Respondent are true and correct  
16 and requests that the Real Estate Commissioner in his discretion  
17 issue a restricted real estate broker license to Respondent under  
18 the authority of Section 10156.5 of the Business and Professions  
19 Code. Respondent understands that any such restricted license  
20 will be issued subject to and be limited by Section 10153.4 of  
21 the Business and Professions Code.

22           Respondent is aware that by signing this Stipulation  
23 and Waiver, Respondent is waiving Respondent's right to a hearing  
24 and the opportunity to present evidence at the hearing to  
25 establish Respondent's rehabilitation in order to obtain an  
26 unrestricted real estate broker license if this Stipulation and  
27 Waiver is accepted by the Real Estate Commissioner. However,

1 Respondent is not waiving Respondent's right to a hearing and to  
2 further proceedings to obtain a restricted or unrestricted  
3 license if this Stipulation and Waiver is not accepted by the  
4 Commissioner.

5 Respondent further understands that the following  
6 conditions, limitations, and restrictions will attach to a  
7 restricted license issued by the Department of Real Estate  
8 pursuant hereto:

9 1. The license shall not confer any property right in the  
10 privileges to be exercised including the right of renewal,  
11 and the Real Estate Commissioner may by appropriate order  
12 suspend the right to exercise any privileges under this  
13 restricted license in the event of:

14 a. The conviction of Respondent (including a plea of nolo  
15 contendere) to a crime which bears a substantial  
16 relationship to Respondent's fitness or capacity as a  
17 real estate licensee; or

18 b. The receipt of evidence that Respondent has violated  
19 provisions of the California Real Estate Law, the  
20 Subdivided Lands Law, Regulations of the Real Estate  
21 Commissioner or conditions attaching to this restricted  
22 license.

23 2. Respondent shall not be eligible to apply for the issuance  
24 of an unrestricted real estate license nor the removal of  
25 any of the conditions, limitations or restrictions  
26 attaching to the restricted license, until two (2) years  
27

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818-999-9869

FRANK BUDA ESQ

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1 have elapsed from the date of issuance of the restricted  
2 license to Respondent.

3 3. Respondent shall regularly attend an alcohol abuse  
4 treatment or recovery program, such as Alcoholics  
5 Anonymous or other formal program, at least once a week  
6 during the term(s) of the restricted license. In addition,  
7 I shall provide the Department with quarterly reports  
8 verifying attendance and participation in Alcoholics  
9 Anonymous or other formal program.

10  
11 20 Jan -06

DATED

12 TRULY SUGHRUE,

Counsel, Department of Real Estate

\* \* \*

13  
14  
15 I have read the Stipulation and Waiver, have discussed  
16 it with my counsel, and its terms are understood by me and are  
17 agreeable and acceptable to me. I understand that I am waiving  
18 rights given to me by the California Administrative Procedure Act  
19 (including but not limited to Section 11506, 11508, 11509, and  
20 11513 of the Government Code), and I willingly, intelligently,  
21 and voluntarily waive those rights, including the right of a  
22 hearing on the Statement of Issues at which I would have the  
23 right to cross-examine witnesses against me and to present  
24 evidence in defense and mitigation of the charges.

25  
26 JAN 18, 2006

DATED

27 STEPHEN CLARK UNLIR  
Respondent

1 I have reviewed the Stipulation and Waiver as to form  
2 and content and have advised my client accordingly.

3  
4 1-17-06

5 DATED

6  
7 

8 FRANK M. BUDA  
9 Attorney for Respondent

10 \* \* \*

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

18 Therefore, IT IS HEREBY ORDERED that a restricted real  
19 estate broker license be issued to Respondent, if Respondent has  
20 otherwise fulfilled all of the statutory requirement for  
21 licensure. The restricted license shall be limited, conditioned,  
22 and restricted as specified in the foregoing Stipulation and  
23 Waiver.

24 This Order is effective immediately.

25 IT IS SO ORDERED

26  
27   
JEFF DAVI  
Real Estate Commissioner

1 TRULY SUGHRUE, Counsel  
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FILED  
OCT 20 2005

DEPARTMENT OF REAL ESTATE

By Jean A. T.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 STEPHEN CLARK UHLIR, )  
13 Respondent. )

No. H- 3308 SD

STATEMENT OF ISSUES

14  
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against STEPHEN CLARK UHLIR (hereinafter "Respondent"), is  
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate broker  
22 license on or about September 8, 2004.

23 II

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

27 \\\



1 III

2 On or about May 30, 1995, in the Superior Court, County  
3 of San Diego, Respondent was convicted of a violation of Section  
4 23152(B) of the California Vehicle Code (Driving with a 0.08 or  
5 Higher Blood Alcohol Level), a crime involving moral turpitude  
6 which bears a substantial relationship under Section 2910, Title  
7 10, California Code of Regulations, to the qualifications,  
8 functions, or duties of a real estate licensee.

9 IV

10 On or about August 15, 1997, in the Superior Court,  
11 County of San Diego, Respondent was convicted of a violation of  
12 Section 23152(B) of the California Vehicle Code (Driving with a  
13 0.08 or Higher Blood Alcohol Level with a Prior), a crime  
14 involving moral turpitude which bears a substantial relationship  
15 under Section 2910, Title 10, California Code of Regulations, to  
16 the qualifications, functions, or duties of a real estate  
17 licensee.

18 V

19 On or about April 5, 2002, in the Superior Court,  
20 County of San Diego, Respondent was convicted of a violation of  
21 Section 23152(A) of the California Vehicle Code (Driving Under  
22 the Influence with a Prior), a crime involving moral turpitude  
23 which bears a substantial relationship under Section 2910, Title  
24 10, California Code of Regulations, to the qualifications,  
25 functions, or duties of a real estate licensee.

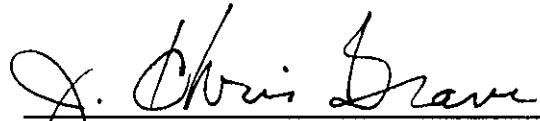
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VI

The crimes of which Respondent was convicted, as alleged 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.

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 broker 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 4<sup>th</sup> day of October, 2005