

FLAG

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

FILED

AUG 24 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
ERIC HARRY HULSE,  
Respondent.

No. H-3322 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On July 8, 1998, a Decision was rendered in H-3322 SAC revoking the real estate broker license of Respondent but granting Respondent the right to the issuance of a restricted real estate salesperson license. No restricted real estate salesperson license was ever issued to Respondent.

On January 14, 2008, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license.

///

1           The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*  
2 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and  
3 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
4 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

5           The Department has developed criteria in Section 2911 of Title 10, California  
6 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
7 reinstatement of a license. Among the criteria relevant in this proceeding are:

8                     Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,  
9 adjudicated debts or monetary obligations to others.

10           In response to Question 4A in Respondent's January 14, 2008 Petition Application  
11 ("Do you have any past debts, outstanding judgments, or have you filed bankruptcy?"),  
12 Respondent answered "yes", and made reference to a dismissed bankruptcy action. Respondent  
13 failed to disclose that on May 2, 2000, in Yolo County, California, a Federal tax lien in the sum  
14 of \$16,892.00 was filed against Respondent. Respondent has failed to present evidence that this  
15 obligation has been discharged.

16                     Regulation 2911(n) Change in attitude from that which existed at the time of the  
17 conduct in question as evidenced by any or all of the following:

18                     (1) Testimony of applicant.

19                     (2) Evidence from family members, friends or other persons familiar with  
20 applicant's previous conduct and with his subsequent attitudes and behavioral patterns.

21                     (3) Evidence from probation or parole officers or law enforcement officials  
22 competent to testify as to applicant's

23                     (4) Evidence from psychiatrists or other persons competent to testify with regard  
24 to neuropsychiatric or emotional disturbances.

25                     (5) Absence of subsequent felony or misdemeanor convictions that are reflective  
26 of an inability to conform to societal rules when considered in light of the conduct in question.

27 ///

1                   Because of incorrect and insufficient information submitted in support of  
2 Respondent's petition, Respondent has not submitted evidence justifying the conclusion that there  
3 has been a favorable change in his attitude. On March 11, 2009, the assigned deputy  
4 commissioner unsuccessfully attempted to contact Respondent by telephone leaving an  
5 unanswered message asking for a return call. On April 2, 2009, the assigned deputy  
6 commissioner unsuccessfully attempted to contact Respondent by a certified letter, return receipt  
7 requested, at Respondent's last known address. The letter was returned as undeliverable at that  
8 address. Because the assigned deputy commissioner was unable to contact Respondent, a  
9 complete assessment of Respondent was impossible.

10                   Since Respondent has not established that Respondent has complied with Sections  
11 2911(j) and (n) of Title 10, California Code of Regulations, I am not satisfied that Respondent is  
12 sufficiently rehabilitated to receive an unrestricted real estate broker license.

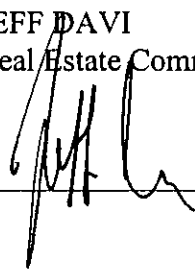
13                   NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
14 reinstatement of Respondent's real estate broker license is denied.

15                   This Order shall become effective at 12 o'clock noon on SEP 14 2009

16                   DATED: 8-19-09

17                   JEFF DAVI  
18                   Real Estate Commissioner

19  
20  
21  
22  
23  
24  
25  
26  
27



---

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
JUL 14 1998  
DEPARTMENT OF REAL ESTATE

\* \* \*

By Kathleen Contreras

In the Matter of the Accusation of )  
ERIC HARRY HULSE, ) NO. H-3322 SAC  
Respondent. ) OAH NO. N 1998030219

**DECISION**

The Proposed Decision dated June 11, 1998, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on August 4, 1998.

IT IS SO ORDERED 1/8, 1998.

JIM ANTT, JR.  
Real Estate Commissioner

J. L. [Signature]

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	File No. H-3322 SAC
	)	
ERIC HARRY HULSE,	)	OAH No. N1998030219
	)	
	)	
	)	
Respondent.	)	
<hr/>		

PROPOSED DECISION

On May 26, 1998, in Sacramento, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Deidre L. Johnson, Counsel, Department of Real Estate.

Respondent represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

1. Complainant Charles W. Koenig made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent Eric Harry Hulse is presently licensed and/or has license rights as a Real Estate Broker under the Real Estate Law of the California Business and Professions Code. His license will expire on January 28, 2000, unless renewed.

3. On March 6, 1997, in the Yolo County Superior/Municipal Court, State of California, respondent was convicted, on his plea of nolo contendere, of violating section 476a(a) (non sufficient funds checks) of the Penal Code. This crime was a misdemeanor involving moral turpitude. It is substantially related to the qualifications, functions or duties of a real estate licensee. As a result of his conviction, respondent was placed on summary probation for 12 months with terms and conditions that included paying \$900 in restitution. He was ordered to pay restitution at the rate of \$80 per month beginning on March 30, 1997. He completed paying all of his restitution early, by September 15, 1997. His probation was terminated in less than 12 months.

The facts and circumstances surrounding this conviction are that between approximately December 22, 1995, and June 7, 1996, respondent issued worthless checks in small amounts, but totaling more than \$600.

4. Respondent is 51 years old and helps support two stepchildren. He is currently employed by Occidental Mortgage, which is licensed by the Department of Corporations, as a Wholesale Account Representative. He does not have a trust account and does not receive trust funds. He no longer uses a personal checking account. Respondent is rehabilitating himself, however, not enough time has elapsed for him to be fully rehabilitated.

#### DETERMINATION OF ISSUES

1. Cause for discipline of respondent's license was established pursuant to sections 490 and 10177(b) of the Business and Professions Code, by reason of Finding 3.

2. In view of the fact that respondent has made full restitution, and is rehabilitating himself, but considering the fact that respondent is not yet fully rehabilitated and the crime involved dishonesty, respondent should receive the discipline set forth in the following order.

#### ORDER

Wherefore, the following order is hereby made:

1. All licenses and licensing rights of respondent Eric Harry Hulse under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

a. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

b. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

c. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

d. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:


(1) That the employing broker has read this Decision of the Commissioner which granted the right to a restricted license; and

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

e. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the

Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: June 11, 1998

  
JOHN D. WAGNER  
Administrative Law Judge  
Office of Administrative Hearings



FILED

APR 14 1998

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

ERIC HARRY HULSE

Case No. 3322 SAC

OAH No. \_\_\_\_\_

Respondent

CONTINUED

**NOTICE OF HEARING ON ACCUSATION**

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, 560 J Street, Suite 340/360,

Sacramento, California 95814

on Tuesday--May 26, 1998, at the hour of 1:30 PM,

or as soon thereafter as the matter can be heard, upon the Accusation 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.

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: April 14, 1998

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
MAR 18 1998

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ERIC HARRY HULSE

Respondent

Case No. H-3322 SAC

OAH No. \_\_\_\_\_

NOTICE OF HEARING ON ACCUSATION

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, 560 J Street, Suite 340/360,  
Sacramento, California 95814

on Wednesday -- April 15, 1998, at the hour of 1:30 PM,  
or as soon thereafter as the matter can be heard, upon the Accusation 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.

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: March 18, 1998

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

1 DEIDRE L. JOHNSON, Counsel  
DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789

FILED  
DEC 15 1997  
DEPARTMENT OF REAL ESTATE

By Juan Canot

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 Accusation of )  
ERIC HARRY HULSE, ) NO. H-3322 SAC  
Respondent. ) ACCUSATION

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ERIC HARRY HULSE, is informed and alleges as follows:

I

ERIC HARRY HULSE (hereafter Respondent) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code) as a real estate broker.

II

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity and not otherwise.

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

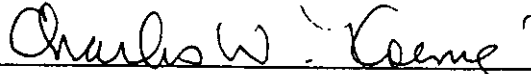
III

On or about March 6, 1997, in the Yolo County Superior/Municipal Court, State of California, Respondent was convicted of violation of Penal Code Section 476a(a) (NONSUFFICIENT FUNDS CHECKS) as a misdemeanor, a crime involving moral turpitude, and a crime which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all license(s) and license rights of Respondent under the Real Estate Law.

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

  
\_\_\_\_\_  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 1st day of December 1997.