

LARRY A. ALAMAO, Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000

(916) 227-0789

FILED  
DEC - 7 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	NO. H-3534 SAC
	)	
DONALD R. HURT,	)	<u>NOTICE OF HEARING</u>
	)	<u>ON ORDER SUSPENDING</u>
Respondent.	)	<u>RESTRICTED REAL ESTATE</u>
	)	<u>LICENSE</u>

On November 6, 2001, the Real Estate Commissioner of the State of California issued her Order Suspending Restricted Real Estate License in the above matter.

Donald R. Hurt made a request on December 4, 2001, for hearing pursuant to Section 10156.7 of the Business and Professions Code of the State of California.

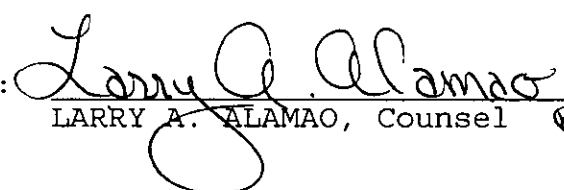
YOU ARE HEREBY NOTIFIED that a hearing on the Order Suspending Restricted Real Estate License will be held before the Department of Real Estate at the Office of Administrative Hearings, 560 J Street, Suites 340/360, Sacramento, CA 95814, on December 27, 2001, commencing at 10:30 AM, or as soon thereafter as the matter can be heard.

1           You may be present at the hearing and may be  
2 represented by counsel, but you are neither required to be  
3 present at the hearing, nor are you required to be represented by  
4 counsel.

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

11           DATED: December 7, 2001

12  
13                           PAULA REDDISH ZINNEMANN  
14                           Real Estate Commissioner

15  
16                           By: Larry A. Alamao  
17                                 LARRY A. ALAMAO, Counsel  (R)

18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DEPARTMENT OF REAL ESTATE  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

FILED  
NOV 26 2001

DEPARTMENT OF REAL ESTATE

By *Kathleen Entwistle*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
DONALD R. HURT, ) NO. H-3534 SAC  
Respondent. )

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: DONALD R. HURT

On March 23, 2001, a restricted real estate salesperson license was issued by the Department of Real Estate to you on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Decision effective February 28, 2001, in Case No. H-3534 SAC. This Decision granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions, and restrictions imposed under authority of Section 10156.6 of said Code. Among those terms, conditions and restrictions, you were required to take and

1 pass the Professional Responsibility Examination within six  
2 months from the effective date of the Decision. The  
3 Commissioner has determined that as of September 27, 2001, you  
4 have failed to satisfy this condition, and as such, you are in  
5 violation of Section 10177(k) of the Business and Professions  
6 Code.

7 NOW, THEREFORE, IT IS ORDERED under authority of  
8 Section 10156.7 of the Business and Professions Code of the  
9 State of California that the restricted real estate  
10 salesperson license heretofore issued to you and the exercise  
11 of any privileges thereunder is hereby suspended until such  
12 time as you provide proof satisfactory to the Department of  
13 compliance with the "condition" referred to above, or pending  
14 final determination made after hearing (see "Hearing Rights"  
15 set forth below). Furthermore, you have no right to renew  
16 your restricted license if this "condition" isn't satisfied by  
17 the date your restricted license expires.

18 IT IS FURTHER ORDERED that all license certificates  
19 and identification cards issued by the Department which are in  
20 your possession be immediately surrendered by personal  
21 delivery or by mailing in the enclosed, self-addressed  
22 envelope to:

23  
24 DEPARTMENT OF REAL ESTATE  
25 ATTN: FLAG SECTION  
26 P. O. Box 187000  
27 Sacramento, CA 95818-7000

///  
27

1           HEARING RIGHTS: Pursuant to the provisions of  
2 Section 10156.7 of the Business and Professions Code, you have  
3 the right to a hearing to contest the Commissioner's  
4 determination that you are in violation of Section 10177(k).  
5 If you desire a hearing, you must submit a written request.  
6 The request may be in any form, as long as it is in writing and  
7 indicates that you want a hearing. Unless a written request  
8 for a hearing, signed by or on behalf of you, is delivered or  
9 mailed to:

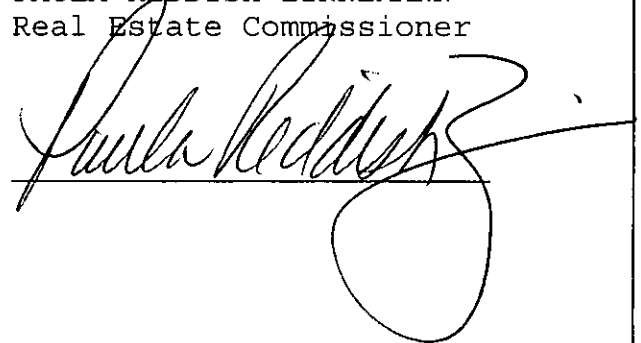
10  
11                   DEPARTMENT OF REAL ESTATE  
12                   ATTN: LEGAL SECTION  
13                   P. O. Box 187000  
14                   Sacramento, CA 95818-7000

15 within 20 days after the date that this Order was mailed to or  
16 served on you, the Department will not be obligated or required  
17 to provide you with a hearing.

18                   This Order shall be effective immediately.

19                   DATED: November 6, 2001.

20  
21                   PAULA REDDISH ZINNEMANN  
22                   Real Estate Commissioner

23                     
24  
25  
26  
27

FILED  
FEB - 3 2001

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

\* \* \*

In the Matter of the Application of )  
DONALD R. HURT, ) NO. H-3534 SAC  
Respondent. ) N-20000100294

**DECISION**

The Proposed Decision dated January 5, 2001, 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 application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon  
on February 28, 2001.

IT IS SO ORDERED February 8, 2001.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

John R. Liberator  
BY: John R. Liberator  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of  
Issues Against:

DONALD R. HURT,

Respondent.

Case No. H-3534 SAC

OAH No. N-2000100294

**PROPOSED DECISION**

Administrative Law Judge Catherine B. Frink, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on December 6, 2000.

Thomas C. Lasken, Counsel, represented the complainant.

Respondent was present and represented himself.

Evidence was received, the hearing was closed, and the record was held open for the submission of additional evidence. On December 7, 2000, the Office of Administrative Hearings received a fax dated December 6, 2000, which was marked as Exhibit H and received in evidence. Thereupon, the record was closed and the matter was submitted on December 7, 2000.

**FACTUAL FINDINGS**

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

2. Donald R. Hurt ("respondent") applied to the Department of Real Estate ("the Department") for a real estate salesperson license on January 6, 2000, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code section 10153.4. Respondent completed all required real estate courses on April 17, 2000. By letter dated August 7, 2000, the

Department acknowledged receipt of the course materials from respondent and stated that respondent was found to be in compliance with Business and Professions Code section 10153.4(a).

3. On June 2, 1992, in the Superior Court of California, City and County of San Francisco, in Case No. 135010, respondent was convicted of a violation of Health and Safety Code section 11351, Possession of Cocaine for Sale, a felony. The circumstances underlying the conviction are that, on October 12, 1989, respondent willfully and unlawfully possessed 14.25 grams or more of cocaine base for sale and purchase for purposes of sale.

4. The crime of which respondent was convicted, as set forth in Finding 3 above, involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee as defined in Title 10, California Code of Regulations ("10 CCR") section 2910(a)(8), doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

5. As a consequence of the conviction set forth in Finding 3 above, respondent was sentenced on June 30, 1992, to three (3) years in state prison, plus payment of a restitution fine of \$100, with credit for time spent in custody of 188 days.

6. On January 14, 1991, in the Superior Court of California, County of San Mateo, in Case No. C-25019-01, respondent was convicted of a violation of Health and Safety Code section 11351.5, Possession of Rock Cocaine for Sale, a felony. The circumstances underlying the conviction are that, on July 2, 1990, respondent had rock cocaine in his possession for sale.

7. The crime of which respondent was convicted, as set forth in Finding 6 above, involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee as defined in 10 CCR section 2910(a)(8), doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

8. As a consequence of the conviction set forth in Finding 6 above, respondent was sentenced on June 17, 1992, to three (3) years in state prison, with credit for time spent in custody of 10 days, plus payment of a restitution fine of \$100 and a collection fee of \$100.

9. On September 29, 1992, in the Superior Court of California, County of Contra Costa, in Case No. 922726-5, respondent was convicted of the following violations of law, all felonies: Health and Safety Code section 11352(a), Sale or Transportation of Cocaine; Health and Safety Code section 11351, Possession of Narcotic for Sale; and Health and Safety Code section 11351.5, Possession of Rock Cocaine for Sale. The circumstances underlying the convictions are that, on August 5, 1990, in Pinole, California, respondent did or offered to transport, sell, furnish, administer or give away cocaine, a narcotic controlled



substance; he possessed cocaine for sale; and he possessed cocaine base, i.e. "rock cocaine," for sale.

10. The crimes of which respondent was convicted, as set forth in Finding 9 above, involved moral turpitude and were substantially related to the qualifications, functions and duties of a real estate licensee as defined in 10 CCR section 2910(a)(8), doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

11. As a consequence of the conviction set forth in Finding 9 above, respondent was sentenced on October 21, 1992, to three (3) years in state prison, with credit for time spent in custody of 97 days, plus a restitution fine of \$100.

12. On September 14, 1992, in the Superior Court of California, County of Contra Costa, in Case No. 922725-7, respondent was convicted of a violation of Penal Code section 211-212.5(b), Robbery, a felony. The circumstances underlying the conviction are that, on March 26, 1992, in Concord, California, respondent willfully, unlawfully and feloniously took personal property from, and against the will of, Nona McMahan, by means of force and fear.

13. The crime of which respondent was convicted, as set forth in Finding 12 above, involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee as defined in 10 CCR section 2910(a)(8), doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

14. As a consequence of the conviction set forth in Finding 12 above, respondent was sentenced on October 21, 1992, to three (3) years in state prison, with credit for time spent in custody of 97 days, plus a restitution fine of \$100.

15. On June 2, 1992, in the Superior Court of California, City and County of San Francisco, in Case No. 145341, respondent was convicted of a violation of Penal Code section 212.5(b), Robbery, and Vehicle Code section 10851(a), Vehicle Theft, both felonies. The circumstances underlying the convictions are that, on March 9, 1992, in San Francisco, California, respondent willfully, unlawfully and feloniously took personal property from, and against the will of, Kathleen Holstead, by means of force and fear. Furthermore, on March 9, 1992, respondent willfully and unlawfully took a vehicle not belonging to him, namely, a 1992 Cadillac Sedan de Ville, without the consent of Avis Rent A Car, the owner thereof, with the intent to deprive the owner of possession of said vehicle. Respondent committed these offenses at a time when he was released from custody in a felony offense on bail and on his own recognizance.

16. The crimes of which respondent was convicted, as set forth in Finding 15 above, involved moral turpitude and were substantially related to the qualifications, functions and duties of a real estate licensee as defined in 10 CCR section 2910(a)(8), doing of any

unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

17. As a consequence of the convictions set forth in Finding 15 above, respondent was sentenced on June 30, 1992, to three (3) years in state prison, with credit for time spent in custody of 188 days, plus a restitution fine of \$100.

18. Although respondent's criminal conduct spanned the period between October of 1989 and March of 1992, respondent was not formally sentenced until the summer of 1992. Respondent's criminal sentences were ordered to run concurrently. After an initial period of incarceration at San Quentin State Prison, respondent served about a year and a half at Mule Creek State Prison and about a year at Soledad State Prison. Respondent was released on parole in 1994, and he successfully completed parole in 10 months. Respondent was not required to register as a drug offender.

19. Respondent was born and raised in San Francisco. He grew up in an area near "the projects," an environment of drugs and crime. As a teenager, respondent was impressed by the fancy cars and other material possessions of the pimps and drug dealers in the neighborhood. Despite the fact that he was a good student, he dropped out of school in the 10<sup>th</sup> grade, at age 16, and went to work at a fast-food restaurant. He began working construction in 1987, at the age of 17, and he entered an apprenticeship program to become a carpenter. He attended vocational classes at Santa Rosa Community College in 1987 and 1988, and he obtained his G.E.D. certificate so that he could join the Carpenter's Union.

Respondent began dealing drugs in 1987, while still living at home with his parents. He did not use drugs personally. He perceived the lifestyle of the drug dealer as glamorous and exciting. The robberies respondent committed in 1990 and 1992 were purse snatchings. Respondent testified that he did not need the money, but rather viewed his participation in the robberies as "thrill-seeking."

20. Respondent was 22 years old when he entered state prison. Respondent underwent a spiritual conversion while incarcerated, through his work with a prison guard who was involved in prison ministry. Respondent reflected on the consequences of his criminal conduct, not only to himself and his family, but also to those who purchased the drugs he sold. He resolved to change his life and to become a role model for others.

21. After respondent was released from prison, he obtained employment in construction. He attended Contra Costa Community College in the spring of 1995 in order to learn welding. Respondent became a licensed general contractor in California in June of 2000 and owns his own business, DRH Construction. Respondent made full disclosure of his criminal history to the Contractors' State License Board, and he was issued a contractor's license without restrictions or probationary conditions.

22. Respondent has been employed as a handyman for property management companies, including EFS Real Estate Services and Lea Pannell Real Estate Services. In that

capacity, respondent has had access to hundreds of homes, and he has handled problems for numerous absentee property owners. In addition, respondent has been involved in the purchase, rehabilitation and sale of residential properties. Respondent completed a correspondence course in real estate and has fulfilled all the course requirements for licensure by the Department. Respondent's real estate agent, LaGuan.Lea, a broker/manager at Prudential Real Estate, has expressed a willingness to hire respondent if a real estate license is issued to respondent.

23. Respondent is the father of two children, ages 4 and 5 months. He is engaged to be married. Respondent is actively involved at Tabernacle of David Church in Vallejo, California. His construction company has worked with Home Depot in Vallejo to help clean up the Boys Club of Vallejo.

24. Pursuant to Business and Professions Code section 482(a), the Department has developed criteria to evaluate the rehabilitation of a license applicant after a criminal conviction, which are set forth in 10 CCR section 2911. In this case, more than eight years have passed since respondent's most recent criminal conviction, and he has completed his criminal parole as of the date of hearing, including the payment of restitution fines. Respondent does not have a personal problem with drugs or alcohol.

Respondent currently has a stable family life and is contributing to the financial support of his family. In addition to real estate courses, respondent has attended community college after his criminal conviction. Respondent has changed his business and social relationships to avoid any possible reoccurrence of the conduct that led to his criminal conviction. He has become licensed as a construction contractor and is operating his own business. He is active in his church, and has engaged in community service activities to provide social benefit to young people. He demonstrated sincere remorse for his prior criminal conduct. The hearsay evidence of character witnesses supported respondent's change in conduct and attitude since his criminal conviction.

## LEGAL CONCLUSIONS

1. Business and Professions Code section 480(a) states as follows:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence,

irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.”

2. Business and Professions Code section 10177(b) states as follows:

“The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

“...”

“(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.”

3. Cause for denial of respondent's application for a real estate salesperson license was established pursuant to Business and Professions Code sections 480(a) and 10177(b) by reason of Findings 3, 4, 6, 7, 9, 10, 12, 13, 15 and 16.

4. Under all of the facts and circumstances, it would be contrary to the public interest to permit respondent to become licensed as a real estate salesperson with an unrestricted conditional license. Respondent has a record of serious felony convictions. However, by reason of Findings 18 through 24, respondent has provided sufficient evidence of rehabilitation to establish that it would be appropriate to permit respondent to be licensed as a real estate salesperson with a restricted license. Respondent's change in attitude and sincere efforts to reform his life make it unlikely that he would return to a life of criminal activity. Respondent's evidence of rehabilitation was persuasive.

## ORDER

The application of respondent Donald R. Hurt for a real estate salesperson license is denied pursuant to Legal Conclusion 3; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code. 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:

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

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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 this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until four (4) years have elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing 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.

4. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Dated: January 5, 2001

Catherine B. Frink  
CATHERINE B. FRINK  
Administrative Law Judge  
Office of Administrative Hearings

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

**FILED**  
**OCT 12 2000**  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

DONALD R. HURT

Case No. H-3534 SAC

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, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on WEDNESDAY--DECEMBER 6, 2000, 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 Hearing 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 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 and pay for 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 12, 2000

By



Counsel

1 THOMAS C. LASKEN, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED  
SEP 22 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 \* \* \*

12 In the Matter of the Application of )  
13 DONALD R. HURT, )  
14 Respondent. )

NO. H-3534 SAC

STATEMENT OF ISSUES

16 The Complainant, Charles W. Koenig, a Deputy Real  
17 Estate Commissioner of the State of California, for Statement of  
18 Issues against DONALD R. HURT (hereinafter "Respondent") alleges  
19 as follows:

20 I

21 Respondent, pursuant to the provisions of Section  
22 10153.3 of the Business and Professions Code, made application to  
23 the Department of Real Estate of the State of California for a  
24 real estate salesperson license on or about January 6, 2000, with  
25 the knowledge and understanding that any license issued as a  
26 result of said application would be subject to the conditions of  
27 Section 10153.4 of the Business and Professions Code.



1 II

2 Complainant, Charles W. Koenig, a Deputy Real Estate  
3 Commissioner of the State of California, makes this Statement of  
4 Issues in his official capacity.

5 III

6 On or about June 2, 1992, in the Superior Court of  
7 California, City and County of San Francisco, No. 135010,  
8 Respondent was convicted of a violation of Section 11351 of the  
9 California Health and Safety Code (Possession of Cocaine For  
10 Sale), a felony and a crime involving moral turpitude which bears  
11 a substantial relationship under Section 2910, Title 10,  
12 California Code of Regulations, to the qualifications, functions,  
13 or duties of a real estate licensee. Date of crime: October 12,  
14 1989.

15 IV

16 On or about January 14, 1991, in the Superior Court  
17 of California, County of San Mateo, No. C-25019-01, Respondent  
18 was convicted of a violation of Section 11351.5 of the  
19 California Health and Safety Code (Possession of Rock Cocaine  
20 For Sale), a felony and a crime involving moral turpitude which  
21 bears a substantial relationship under Section 2910, Title 10,  
22 California Code of Regulations, to the qualifications,  
23 functions, or duties of a real estate licensee. Date of crime:  
24 July 2, 1990.

25 V

26 On or about September 29, 1992, in the Superior Court  
27 of California, County of Contra Costa, No. 922726-5, Respondent

1 was convicted of violation of Section 11352(a) (Sale or  
2 Transportation of Cocaine), 11351 (Possession of Narcotic for  
3 Sale), and 11351.5 of the California Health and Safety Code  
4 (Possession of Rock Cocaine For Sale), all felonies and crimes  
5 involving moral turpitude which bear a substantial relationship  
6 under Section 2910, Title 10, California Code of Regulations, to  
7 the qualifications, functions, or duties of a real estate  
8 licensee. Date of crimes: August 5, 1990.

9 VI

10 On or about September 14, 1992, in the Superior Court  
11 of California, County of Contra Costa, No. 922725-7, Respondent  
12 was convicted of violation of Section 211-212.5 of the California  
13 Penal Code (Robbery), a felony and a crime involving moral  
14 turpitude which bears a substantial relationship under Section  
15 2910, Title 10, California Code of Regulations, to the  
16 qualifications, functions, or duties of a real estate licensee.  
17 Date of crime: April 1, 1992.

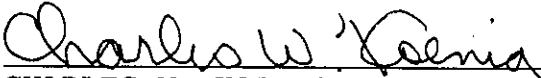
18 VII

19 On or about June 2, 1992, in the Superior Court of  
20 California, City and County of San Francisco, No. 145341,  
21 Respondent was convicted of violation of Section 211-212.5(B) of  
22 the California Penal Code (Robbery) and Section 10851(A) of the  
23 California Vehicle Code (Vehicle Theft), both felonies and crimes  
24 involving moral turpitude which bear a substantial relationship  
25 under Section 2910, Title 10, California Code of Regulations, to  
26 the qualifications, functions, or duties of a real estate  
27 licensee. Date of crimes: April 15, 1992.

VIII

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 salesperson license to Respondent, and for such other and further relief as may be proper in the premises.

  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 21<sup>st</sup> day of September, 2000.