

FILED

OCT 31 2009

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

WILBER H. BYERS,

Respondent.

No. H-3614 SD

ORDER GRANTING UNRESTRICTED LICENSE

On April 24, 2007, a Decision 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 April 30, 2007 and Respondent has operated as a restricted licensee since that time.

On April 30, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson 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 an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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

4 1. The license issued pursuant to this order shall be deemed to be the first
5 renewal of Respondent's real estate salesperson license for the purpose of applying the provisions
6 of Section 10153.4.

7 2. Within twelve (12) months from the date of this order Respondent shall:

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

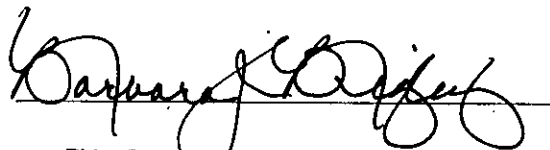
10 (b) Submit evidence of having taken and successfully completed the courses
11 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
12 for renewal of a real estate license.

13 3. Upon renewal of the license issued pursuant to this order, Respondent
14 shall submit evidence of having taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
16 license.

17 This Order shall become effective immediately.

18 IT IS SO ORDERED 10-21-09

19
20 JEFF DAVI
21 Real Estate Commissioner

22 

23 BY: Barbara J. Bigby
24 Chief Deputy Commissioner

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

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

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as
4 follows:

- 5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
6 restricted license; and
7 b. That broker will carefully review all transaction documents prepared by the restricted
8 licensee and otherwise exercise close supervision over the licensee's performance of acts
9 for which a license is required.

10 8-April-07

11 Dated

11 TRULY SUBSCRIBED, Counsel, Department of Real Estate

12 ***

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

20 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
21 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
22 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
23 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
24 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
25 the original signed Stipulation and Waiver.

26 2-16-07

27 Dated

27 WILBUR H. BYERS, Respondent

27 Wilbur H. Byers

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

3 4-3-07

4 Dated



FRANK M. BUDA, Attorney for Respondent

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

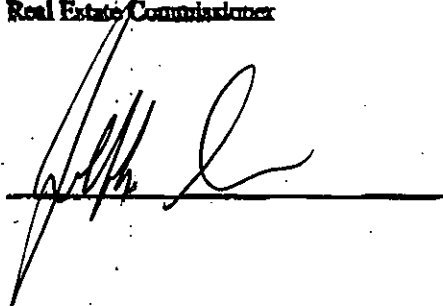
9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
10 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. That
11 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
12 Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED

4/24/07

16 Jeff Davi
17 Real Estate Commissioner



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3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
SEP 27 2006

DEPARTMENT OF REAL ESTATE

By Anne Hawley

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 WILBER H. BYERS,)
13 Respondent.)

No. H-3614 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 WILBER H. BYERS (hereinafter "Respondent"), is informed
18 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 salesperson
22 license on or about March 3, 2006.

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 In response to Question 25 of said application, to wit:
3 "Have you ever been convicted of any violation of law?",
4 Respondent answered "Yes" and disclosed the conviction set forth
5 in Paragraph VI and VII below.

6 IV

7 On or about May 9, 1984, in the Superior Court, County
8 of San Diego, Respondent was convicted of a violation of Section
9 484/488 of the California Penal Code (Petty Theft), a crime
10 involving moral turpitude which bears a substantial relationship
11 under Section 2910, Title 10, California Code of Regulations, to
12 the qualifications, functions, or duties of a real estate
13 licensee.

14 V

15 On or about January 30, 1985, in the Superior Court,
16 County of San Diego, Respondent was convicted of a violation of
17 Section 12031(a) of the California Penal Code (Carry a Loaded
18 Firearm in Public), a crime involving moral turpitude which bears
19 a substantial relationship under Section 2910, Title 10,
20 California Code of Regulations, to the qualifications, functions,
21 or duties of a real estate licensee.

22 VI

23 On or about March 28, 1990, in the Superior Court,
24 County of San Diego, Respondent was convicted of a violation of
25 Section 496.1 of the California Penal Code (Possession of Stolen
26 Property), a crime involving moral turpitude which bears a
27 substantial relationship under Section 2910, Title 10, California

1 Code of Regulations, to the qualifications, functions, or duties
2 of a real estate licensee.

3 VII

4 On or about May 30, 1991, in the Superior Court, County
5 of San Diego, Respondent was convicted of a violation of Section
6 118 of the California Penal Code (Perjury), a crime involving
7 moral turpitude which bears a substantial relationship under
8 Section 2910, Title 10, California Code of Regulations, to the
9 qualifications, functions, or duties of a real estate licensee.

10 VIII

11 The crimes of which Respondent was convicted, as
12 alleged above, constitutes cause for denial of Respondent's
13 application for a real estate license under Sections 480(a) and
14 10177(b) of the California Business and Professions Code.

15 IX

16 Respondent's failure to reveal the convictions set
17 forth in Paragraphs IV and V in said application constitutes the
18 procurement of a real estate license by fraud, misrepresentation,
19 or deceit, or by making a material misstatement of fact in said
20 application, which failure is cause for denial of Respondent's
21 application for a real estate license under Sections 480(c) and
22 10177(a) of the California Business and Professions Code.

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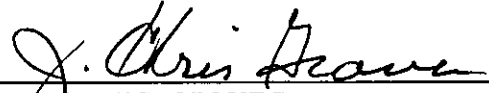
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson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

7
8 
9 J. CHRIS GRAVES
Deputy Real Estate Commissioner

10 Dated at San Diego, California,
11 this 15th day of September, 2006.