


FILED

JUL 22 2010

DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

CHRISTOPHER JOHN PARCEL,

Respondent.

No. H-3628 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On February 8, 2007, a Decision was rendered in Case No. H-3628 SD revoking the real estate broker license of Respondent effective March 14, 2007.

On March 25, 2009, 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 the petition of Respondent and the evidence submitted 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 at this time.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and

///

1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

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

8 Petitioner has an outstanding small claims judgment against him; is unemployed;  
9 and is in the process of filing for bankruptcy protection for these and other credit problems he is  
10 currently facing. Petitioner has not demonstrated that he has made, or at this time can make, any  
11 efforts to discharge his debts or monetary obligations to others.

12 Given the violations found and the fact that Respondent has not established that  
13 Respondent has satisfied Regulation 2911(j), I am not satisfied that Respondent is sufficiently  
14 rehabilitated to receive a real estate broker license.

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

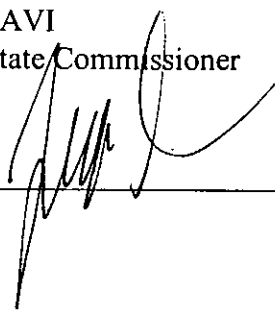
17 This Order shall become effective at 12 o'clock noon on

**AUG 13 2010**

18 IT IS SO ORDERED

7-14-2010

19 JEFF DAVI  
20 Real Estate Commissioner

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22 \_\_\_\_\_  
23  
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25  
26  
27

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
FEB 22 2007

DEPARTMENT OF REAL ESTATE

By Carrie Shaover

\* \* \*

In the Matter of the Accusation of )  
CHRISTOPHER JOHN PARCEL ) NO. H-3628 SD  
Respondent. ) OAH NO. L2006100938

DECISION

The Proposed Decision dated January 22, 2007, 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 MAR 14 2007.

IT IS SO ORDERED

2/8/07  
JEFF DAVI  
Real Estate Commissioner

[Signature]

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation against:

CHRISTOPHER JOHN PARCEL,

Respondent.

Case No. H-3628 SD

OAH No. L2006100938

**PROPOSED DECISION**

Administrative Law Judge Greer D. Knopf, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on November 29, 2006.

Truly Sughrue, Real Estate Counsel, the Department of Real Estate, appeared on behalf of complainant J. Chris Graves, Deputy Real Estate Commissioner, Department of Real Estate, State of California.

Todd Moore, attorney at law appeared at the hearing and represented respondent Christopher John Parcel who was also present at the hearing.

The matter was submitted on November 29, 2006.

**FACTUAL FINDINGS**

1. Accusation number H-3628 SD, dated October 3, 2006, was filed by complainant, J. Chris Graves, in his official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California against respondent Christopher John Parcel. The accusation alleges respondent holds a license as a real estate broker and he has been convicted of a crime that involves moral turpitude and is substantially related to the qualifications, functions or duties of a real estate salesperson. On October 19, 2006, respondent filed a notice of defense dated October 16, 2006 requesting a hearing on the accusation. The proceeding herein followed.

2. Respondent holds a license as a real estate broker issued by the Department of Real Estate (the Department). The Department first issued respondent a salesperson's license on November 20, 2000. Then the Department issued respondent a broker's license on

December 31, 2003. Respondent's license will expire on December 30, 2007, unless renewed.

3. On January 18, 2006, in the Superior Court, County of San Diego, State of California, respondent was convicted of a violation of Penal Code section 470, subdivision (d) for forgery. This crime clearly involved moral turpitude and is substantially related to the qualification, functions and duties of a real estate licensee under Title 10, California Code of Regulations, section 2910.

4. Respondent was sentenced for his crime to 90 days in custody of the Sheriff that was stayed with three years summary probation. The court further ordered respondent to complete 160 hours of community service and pay fines and restitution. Respondent remains on probation until January 2009.

5. This conviction arose out of an incident involving a loan transaction respondent was handling as a real estate broker. Respondent was referred a couple trying to obtain a loan to buy a house, but could not qualify for the loan. In order to make the deal, the woman's father agreed to be a co-borrower to help them qualify for a loan. The lender asked respondent to have the father submit a letter from his accountant verifying his income. The father was unable to obtain such a letter since apparently he was not earning the amount of income the couple was claiming. So respondent paid an accountant to write the letter the lender was seeking. Respondent did this knowing the letter was falsified and submitted the letter to the lender for the clients. Respondent had come to believe that this was a common practice in the real estate industry and that lenders knew about this practice. However, this was unlawful and during a district attorney's investigation of the clients, respondent came to the attention of the authorities. When confronted with his wrongdoing, initially respondent denied it, but thereafter he admitted his participation and cooperated with the authorities.

6. Respondent has been licensed and has worked in real estate for six years and is eager to continue his career in the industry. Respondent has a college degree in economics and he began working in the mortgage business in 1998. He is currently the president of First National Home Loans a company he started three years ago. He is also president of Christopher Parcel Unique Properties and vice-president of Blue Point Realty.

7. Respondent now realizes he spent years building his career and he put it all in jeopardy with his criminal actions. He recognizes that he was raised with good values and lost sight of them in the pressure to make money. Respondent demonstrates a great deal of remorse for his wrongdoing and he has worked hard to ensure that he never steps over the ethical line again. He and his business partner hired a consultant to come into their company and re-train them in all the proper protocol for real estate and lending transactions. Respondent and his partner have sent a strong message to their employees that no amount of dishonesty will be tolerated at their company.

Respondent has demonstrated he is certainly on the road to rehabilitation. He has performed community service by working with under privileged children and by cleaning up

beaches. He has been humbled and humiliated by his criminal conviction and has clearly heard the wake up call regarding his ethical practices. However, this conviction just occurred last year and respondent is still serving out his criminal sentence with two more years of probation. This was a very serious offense that was committed while respondent was working as a licensee. He should not be allowed to continue as a real estate licensee at this time. The Department must be able to rely on the integrity of its licensees. Respondent must now earn back the trust of the Department and the public. Therefore, it would not be in the public interest to allow respondent to maintain his license as a real estate broker or salesperson. Once respondent has completed his criminal probation and is able to demonstrate full rehabilitation, he would be a good candidate for a probationary license.

### LEGAL CONCLUSIONS

1. Cause exists to deny respondent's application for a license as a real estate salesperson pursuant to Business and Professions Code sections 490 and 10177, subdivision (b) in that respondent was convicted of a crime that involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee, as set forth in Findings 2-7.

2. Business and Professions Code section 10177, subdivision (b) authorizes the Department to discipline a license issued to persons convicted of crimes that are substantially related to the qualifications, functions and duties of a real estate licensee. When the conviction is for a misdemeanor, then the crime must be one that involves moral turpitude. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 445; *Watkins v. Real Estate Commissioner* (1960) 182 Cal.App.2d 397, 400). The evidence established here that respondent's crime clearly involved moral turpitude since the crime involved intentional dishonesty for personal gain. (*Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 400-401).

3. There is insufficient evidence of mitigation or rehabilitation to warrant granting allowing respondent to maintain even a probationary license at this time, as set forth in Finding 7.

ORDER

The real estate broker's license issued to Christopher John Parcel by the Department of Real Estate for the State of California is hereby revoked.

DATED: 1/22/07



GREER D. KNOPF  
Administrative Law Judge  
Office of Administrative Hearings

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FILED  
OCT 13 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 CHRISTOPHER JOHN PARCEL, )  
13 Respondent. )

No. H-3628 SD

ACCUSATION

14  
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against CHRISTOPHER JOHN PARCEL (hereinafter "Respondent"), is  
18 informed and alleges as follows:

19 I

20 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

23 II

24 Respondent is presently licensed and/or has license  
25 rights under the Real Estate Law (Part 1 of Division 4 of the  
26 Business and Professions Code) (Code) as a real estate broker.

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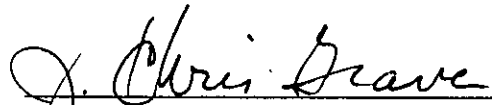
III

1 On or about October 6, 2005, in the Superior Court,  
2 County of San Diego, Respondent was convicted of a violation of  
3 Section 470(d) of the California Penal Code (Forgery), a crime  
4 involving moral turpitude which bears a substantial relationship  
5 under Section 2910, Title 10, California Code of Regulations, to  
6 the qualifications, functions, or duties of a real estate  
7 licensee.  
8

IV

9 The facts alleged above constitute cause under Sections  
10 490 and 10177(b) of the Code for suspension or revocation of all  
11 licenses and license rights of Respondent under the Real Estate  
12 Law.  
13

14 WHEREFORE, Complainant prays that a hearing be  
15 conducted on the allegations of this Accusation and that upon  
16 proof thereof, a decision be rendered imposing disciplinary  
17 action against all licenses and license rights of Respondent  
18 under the Real Estate Law (Part 1 of Division 4 of the Business  
19 and Professions Code), and for such other and further relief as  
20 may be proper under the provisions of law.  
21

22   
23 J. CHRIS GRAVES  
24 Deputy Real Estate Commissioner

25 Dated at San Diego, California,  
26 this 3<sup>rd</sup> day of October, 2006  
27