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FILED
OCT 11 2006

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-3767 SAC

MICHAEL PAUL BETHANY,)

Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On April 2, 2003, 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 10, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On April 14, 2005, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

1 I have considered Respondent's Petition and the
2 evidence submitted in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 Petition for removal of restrictions is granted and that a real
10 estate salesperson license be issued to Respondent subject to the
11 following understanding and conditions:

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

16 2. Within nine (9) months from the date of this order
17 Respondent shall:

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

20 (b) Submit evidence of having taken and successfully
21 completed the courses specified in paragraphs (1) to (4)
22 inclusive of subdivision (a) of Section 10170.5 of the Real
23 Estate Law for renewal of a real estate license.

24 3. Upon renewal of the license issued pursuant to this
25 order, Respondent shall submit evidence of having taken and
26 successfully completed the continuing education requirements of

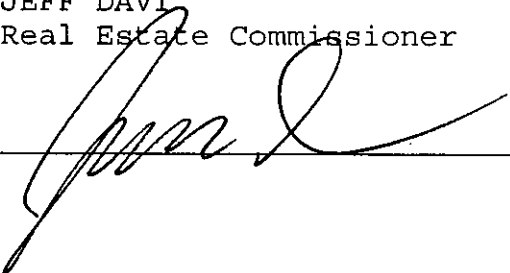
27 ///

1 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
2 real estate license.

3 This Order shall become effective immediately.

4 IT IS SO ORDERED 9-26-06, 2006.

5 JEFF DAVI
6 Real Estate Commissioner

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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789

FILED
APR - 8 2003

DEPARTMENT OF REAL ESTATE

By James L. Beaver

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

11 * * *

12 In the Matter of the Application of)
13 MICHAEL PAUL BETHANY,) NO. H-3767 SAC
14 Respondent.) STIPULATION
) AND WAIVER

15 It is hereby stipulated by and between MICHAEL PAUL
16 BETHANY (hereinafter "Respondent") and the Complainant, acting by
17 and through James L. Beaver, Counsel for the Department of Real
18 Estate, as follows for the purpose of settling and disposing of
19 the Statement of Issues filed on January 28, 2003 in this matter:

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

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

14 B. Respondent hereby admits that the allegations of
15 the Statement of Issues filed against Respondent are true and
16 correct and requests that the Real Estate Commissioner in her
17 discretion issue a restricted real estate salesperson license to
18 Respondent under the authority of Section 10156.5 of the Business
19 and Professions Code.

20 C. Respondent is aware that by signing this
21 Stipulation and Waiver, Respondent is waiving Respondent's right
22 to a hearing and the opportunity to present evidence at the
23 hearing to establish Respondent's rehabilitation in order to
24 obtain an unrestricted real estate salesperson license if this
25 Stipulation and Waiver is accepted by the Real Estate
26 Commissioner. However, Respondent is not waiving Respondent's
27 right to a hearing and to further proceedings to obtain a

1 restricted or unrestricted license if this Stipulation and Waiver
2 is not accepted by the Commissioner.

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

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

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

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

20 2. Respondent shall not be eligible to apply for the
21 issuance of an unrestricted real estate license nor the removal
22 of any of the conditions, limitations or restrictions attaching
23 to the restricted license until two years have elapsed from the
24 date of issuance of the restricted license to Respondent.

25 3. With the application for license, or with the
26 application for transfer to a new employing broker, Respondent
27 shall submit a statement signed by the prospective employing

1 broker on a form approved by the Department of Real Estate
2 wherein the employing broker shall certify as follows:

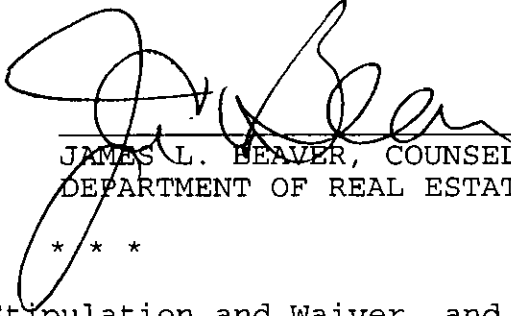
3 a. That broker has read the Statement of Issues which
4 is the basis for the issuance of the restricted license; and

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

9 4. Six months after the issuance of the restricted
10 license, and at six month intervals thereafter during the term
11 of the restricted license, Respondent shall provide proof
12 acceptable to the Real Estate Commissioner that, during the
13 preceding six months, Respondent has, each and every week,
14 attended one or more sessions of Alcoholics Anonymous, or that
15 such attendance in any week was impractical due to travel for
16 work, the illness of Respondent or a member of Respondent's
17 family, incarceration, residential treatment for substance
18 abuse, extreme personal hardship for Respondent or a member of
19 Respondent's family, or family emergency. The Commissioner may
20 suspend the restricted license issued to Respondent pending a
21 hearing held in accordance with Section 11500, et seq., of the
22 Government Code, if such proof is not timely submitted as
23 provided for herein, or as provided for in a subsequent
24 agreement between the Respondent and the Commissioner. The
25 suspension shall remain in effect until such proof is submitted
26 or until Respondent enters into an agreement satisfactory to
27 the Commissioner to provide such proof, or until a decision

1 providing otherwise is adopted following a hearing held
2 pursuant to this condition.

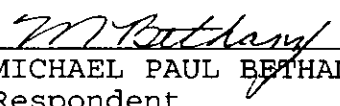
3 March 26, 2003
4 DATED


JAMES L. BEAVER, COUNSEL
DEPARTMENT OF REAL ESTATE

5 * * *

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

16 3/24/03
17 DATED


MICHAEL PAUL BETHANY
Respondent

18 * * *

19 I have read the Statement of Issues filed herein and
20 the foregoing Stipulation and Waiver signed by Respondent. I am
21 satisfied that the hearing for the purpose of requiring further
22 proof as to the honesty and truthfulness of Respondent need
23 not be called and that it will not be inimical to the public
24 interest to issue a restricted real estate salesperson license
25 to Respondent.
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1 Therefore, IT IS HEREBY ORDERED that a restricted real
2 estate salesperson license be issued to Respondent, if Respondent
3 has otherwise fulfilled all of the statutory requirements for
4 licensure. The restricted license shall be limited, conditioned,
5 and restricted as specified in the foregoing Stipulation and
6 Waiver.

7 This Order is effective immediately.

8 IT IS SO ORDERED April 29, 2003.

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10 Paula Reddish
11 PAULA REDDISH ZINNEBANN
12 Real Estate Commissioner
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**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
FEB 13 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

MICHAEL PAUL BETHANY,

Case No. H-3767 SAC

OAH No. N-2003020056

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, SUITE 340/360, SACRAMENTO, CA 95814** on **TUESDAY, APRIL 1, 2003**, at the hour of **1:30 P.M.**, 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 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you 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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: FEBRUARY 13, 2003

DEPARTMENT OF REAL ESTATE

By

JAMES L. BEAVER, Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)
7

FILED
JAN 28 2003

DEPARTMENT OF REAL ESTATE

Lucy L. Zui

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 MICHAEL PAUL BETHANY,) No. H-3767 SAC
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against MICHAEL PAUL BETHANY, also known as Michael Pulad
18 Farokhnia (hereinafter "Respondent"), alleges as follows:

19 I

20 On or about January 28, 2002, Respondent made
21 application to the Department of Real Estate of the State of
22 California (hereinafter "the Department") for a real estate
23 salesperson license.

24 II

25 Complainant, Charles W. Koenig, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity.

1 III

2 In response to Question 26 of said application, to
3 wit: "Are there any criminal charges pending against you at this
4 time?" Respondent answered "No".

5 IV

6 At all times mentioned herein from on or about
7 January 9, 2002 until on or about January 8, 2003, criminal
8 charges alleging that Respondent violated Sections 23152(a) and
9 23152(b) of the Vehicle Code were pending against Respondent in
10 the Superior Court of the State of California, County of Los
11 Angeles, Malibu Courthouse.

12 V

13 On or about January 8, 2003, in the Superior Court of
14 the State of California, County of Los Angeles, Malibu
15 Courthouse, Respondent was convicted of the crime of Reckless
16 Driving ("Wet Reckless") in violation of Vehicle Code Section
17 23103.5, a misdemeanor and a crime involving moral turpitude
18 which bears a substantial relationship under Section 2910 of
19 Chapter 6, Title 10, California Code of Regulations (herein "the
20 Regulations"), to the qualifications, functions or duties of a
21 real estate licensee.

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1 VI

2 On or about November 22, 1996, in the Municipal Court
3 of the State of California, County of Sacramento, Sacramento
4 Municipal Court District, Respondent was convicted of the crime
5 of Driving Under The Influence Of Alcohol or Drugs in violation
6 of Vehicle Code Section 23152(a), a misdemeanor and a crime
7 involving moral turpitude which bears a substantial relationship
8 under Section 2910 of the Regulations to the qualifications,
9 functions or duties of a real estate licensee.

10 VII

11 In failing to reveal the pending criminal charges
12 described in Paragraph IV, above, in said application,
13 Respondent attempted to procure a real estate license by fraud,
14 misrepresentation, or deceit, or by making a material
15 misstatement of fact in said application, which constitutes
16 cause for denial of Respondent's application for a real estate
17 license under Sections 480(c) and 10177(a) of the California
18 Business and Professions Code.

19 VIII

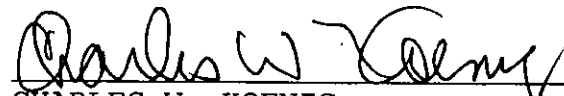
20 Respondent's criminal convictions described in
21 Paragraphs V and VI, above, individually and collectively
22 constitute cause for the denial of Respondent's application for
23 a real estate license under Sections 480(a) and 10177(b) of the
24 California Business and Professions Code.

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1 WHEREFORE, Complainant prays that the above-entitled
2 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 in the premises.

7
8 
9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 27th day of January, 2003.