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FILED

JUL 17 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-3860 SAC  
DELWYN JOSEPH SHELLEY, JR., )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On January 23, 2004, an Order was rendered herein denying the Respondent's application for real estate 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 March 4, 2004, and Respondent has operated as a restricted licensee since that time.

On May 9, 2007, 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

1 record as a restricted licensee. Respondent has demonstrated to  
2 my satisfaction that Respondent meets the requirements of law for  
3 the issuance of an unrestricted real estate salesperson license  
4 and that it would not be against the public interest to issue  
5 said license.

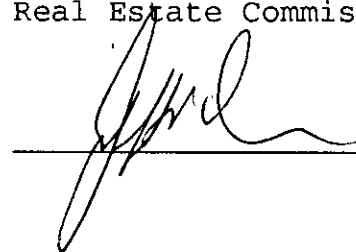
6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 Petition for removal of restrictions is granted and that a real  
8 estate salesperson license be issued to Respondent if, within  
9 nine (9) months from the date of this order, Respondent shall:

10 Submit a completed application and payment of the fee  
11 for a real estate salesperson license.

12 DATED: 7-1-88.

13 JEFF DAVI  
14 Real Estate Commissioner

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1 Department of Real Estate  
2 P. O. Box 1870007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

JAN 30 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. [Signature]

7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9  
10 *In the Matter of the Application of*

11 DELWYN JOSEPH SHELLEY, JR.,

12  
13  
14 Respondent

) No. H- 3860 SAC  
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)  
)

) STIPULATION AND  
) WAIVER  
)  
)

15 It is hereby stipulated by and between DELWYN JOSEPH SHELLEY, JR. (hereinafter "Respondent")  
16 and Respondent's attorney, D. JACK HAYCOCK, and the Complainant, acting by and through JAMES L.  
17 BEAVER, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
18 of the Statement of Issues filed on AUGUST 13, 2003 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's  
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner  
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's  
23 honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the  
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and  
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

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 her 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.

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 broker on a form

approved by the Department of Real Estate wherein the employing broker shall certify as

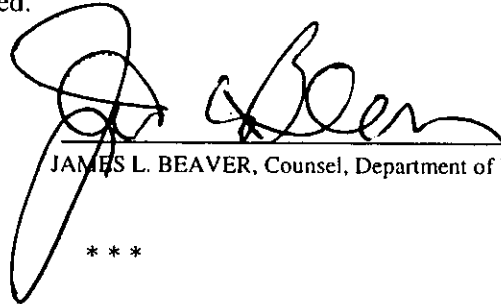
follows:

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

b. That 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.

December 30, 2003

Dated



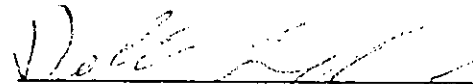
JAMES L. BEAVER, Counsel, Department of Real Estate

\* \* \*

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

12/15/03

Dated




DELWYN JOSEPH SHELLEY, JR., Respondent

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

12/28/03

Dated



D. JACK HAYCOCK, Attorney for Respondent

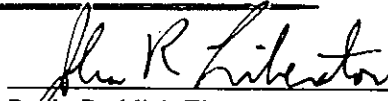
\* \* \*

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
6 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The  
7 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and  
8 Waiver.

9 This Order is effective immediately.

10 IT IS SO ORDERED January 23, 2004.

11   
12 Paula Reddish Zinnemann  
13 Real Estate Commissioner  
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**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**

**SEP 26 2003**

**DEPARTMENT OF REAL ESTATE**

*In the Matter of the Application of*

**DELWYN JOSEPH SHELLEY, JR.,**

Case No. H-3860 SAC

OAH No. N-2003090353

*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 **WEDNESDAY, NOVEMBER 19, 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.

**DEPARTMENT OF REAL ESTATE**

*Dated:* SEPTEMBER 26, 2003

By

*James L. Beaver*  
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)

FILED

AUG 13 2003

DEPARTMENT OF REAL ESTATE

*Laurie G. Zier*

7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Application of )  
11 DELWYN JOSEPH SHELLEY, JR., ) No. H-3860 SAC  
12 Respondent. ) STATEMENT OF ISSUES  
13 )

14 The Complainant, Charles W. Koenig, a Deputy Real  
15 Estate Commissioner of the State of California, for Statement of  
16 Issues against DELWYN JOSEPH SHELLEY, JR. (hereinafter  
17 "Respondent"), alleges as follows:

18 I

19 Complainant, Charles W. Koenig, a Deputy Real Estate  
20 Commissioner of the State of California, makes this Statement of  
21 Issues in his official capacity.

22 II

23 Respondent made application to the Department of Real  
24 Estate of the State of California for a real estate salesperson  
25 license on or about April 25, 2003.

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1 III

2 On or about September 9, 1993, in the Superior Court  
3 of the State of California, County of San Joaquin, Respondent  
4 was convicted of the crime of Grand Theft in violation of Penal  
5 Code Section 487.2, and the crime of Possession of  
6 Marijuana/Hashish for Sale in violation of Health and Safety  
7 Code Section 11359, each a felony and a crime involving moral  
8 turpitude which bears a substantial relationship under Section  
9 2910, Title 10, California Code of Regulations (herein "the  
10 Regulations"), to the qualifications, functions or duties of a  
11 real estate licensee.

12 IV

13 On or about January 26, 1994, in the Municipal Court  
14 of the State of California, County of San Joaquin, Respondent  
15 was convicted of the crime of Driving with Blood Alcohol Over  
16 .08% in violation of Vehicle Code Section 23152(b), a  
17 misdemeanor and a crime involving moral turpitude which bears a  
18 substantial relationship under Section 2910 of the Regulations  
19 to the qualifications, functions or duties of a real estate  
20 licensee.

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1 V

2 On or about October 17, 1996, in the Municipal Court  
3 of the State of California, County of San Joaquin, Respondent  
4 was convicted of the crime of Public Intoxication in violation  
5 of Penal Code Section 647(f), a misdemeanor and a crime  
6 involving moral turpitude which bears a substantial relationship  
7 under Section 2910 of the Regulations to the qualifications,  
8 functions or duties of a real estate licensee.

9 VI

10 Respondent's criminal convictions described in  
11 Paragraphs III through V, inclusive,, above, individually and  
12 collectively constitute 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 WHEREFORE, Complainant prays that the above-entitled  
16 matter be set for hearing and, upon proof of the charges  
17 contained herein, that the Commissioner refuse to authorize the  
18 issuance of, and deny the issuance of a real estate salesperson  
19 license to Respondent, and for such other and further relief as  
20 may be proper in the premises.

21  
22   
23 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

24 Dated at Sacramento, California,  
25 this 31<sup>st</sup> day of July, 2003.