

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

MAR - 9 2011

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

By 

In the Matter of the Accusation of)

DRE NO. H-4068 SD

DAVID BARTLETT WAITLEY)

OAH NO. 2010080950

Respondent.)

DECISION

The Proposed Decision dated February 1, 2011, 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.

Pursuant to Section 11517(c)(2) of the Government Code, the following change is made:

The Order of the Decision is changed to read:

ORDER

All licenses and licensing rights of Respondent DAVID BARTLETT WAITLEY under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until three (3) years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

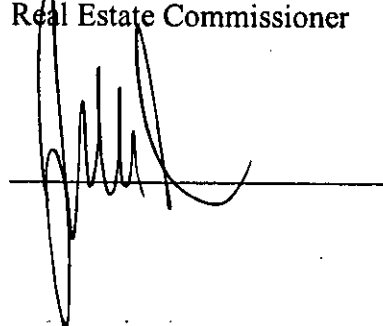
6. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

This Decision shall become effective at 12 o'clock noon on
MAR 30 2011

IT IS SO ORDERED

MAR - 7 2011

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'JEFF DAVI', is written over a horizontal line. The signature is stylized with several loops and a long horizontal stroke at the end.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of:

DAVID BARTLETT WAITLEY,

Respondent.

Case No. H-4068 SD

OAH No. 2010080950

PROPOSED DECISION

Robert Walker, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter in San Diego, California, on October 21, 2010.

Angela L. Cash, Counsel, Department of Real Estate, State of California, represented the complainant, Joseph Aiu, Deputy Real Estate Commissioner.

The respondent, David Bartlett Waitley, appeared in propria persona.

The record was held open to provide respondent with an opportunity to submit certified copies of certain exhibits. Respondent provided those on December 20, 2010, and the record was closed.

FACTUAL FINDINGS

LICENSURE

1. On September 26, 1986, the Department of Real Estate issued a real estate salesperson license to the respondent, David Bartlett Waitley. On August 23, 1990, the department issued a real estate broker license to the respondent.

CRIMINAL CONVICTIONS

2. On May 1, 2009, in the Superior Court of California for the County of San Diego, respondent was convicted of three counts of violating Penal Code section 487, subdivision (a), grand theft of personal property, a felony. As a matter in aggravation, it was established that, within the terms of Penal Code section 12022.6, subdivision (a)(1), the aggregate losses to respondent's victims were over \$50,000. The conviction was on a plea of

guilty. The court sentenced respondent to four years and eight months in prison, stayed the execution of the sentence, and placed respondent on summary probation until September 13, 2014. As conditions of probation, the court required respondent to participate in a work furlough program, pay fines and fees, and pay restitution of \$100,000. The court imposed other standard conditions of probation.

3. At respondent's probation hearing, the parties noted that, pursuant to Penal Code section 4017.1, in connection with participating in a work furlough program, a person is prohibited from having access to personal information of private individuals, including but not limited to addresses, telephone numbers, and identification numbers. In that hearing, it was stipulated that, as a condition of respondent's probation, he was prohibited from participating in any work furlough program that involved having access to other people's money.

4. The crimes of which respondent has been convicted are crimes that are substantially related to the qualifications, functions, or duties of the licensed activity.

THE EVENTS THAT GAVE RISE TO THE CONVICTIONS

5. The evidence concerning the events that gave rise to the convictions was not very complete. Between 2002 and 2005, respondent was a partner and investor in a real estate development joint venture to build 52 residential units in Alpine, California. Respondent also was a member of the management team of the joint venture. Some of the other partners provided the land. Respondent was in charge of the accounting operation. Also, he signed checks – thousands of checks. During the time the units were being developed, the joint venture had 14 different bookkeepers. Five other projects of some sort used the same accounting firm the joint venture used. Respondent owned at least some of the other projects that used the accounting firm. Respondent testified that the "accounting was poor." There were not sufficient systems in place to prevent comingling of funds. On at least a few occasions, funds from the Alpine joint venture account were used to pay obligations of projects respondent owned. The opposite also occurred; on at least a few occasions, funds from respondent's accounts were used to pay obligations of the Alpine joint venture.

6. In April of 2005, after the Alpine project was completed, the partners who had provided the land brought a civil action against respondent and at least one other partner. In 2006, respondent and one partner settled the case by paying \$400,000. Respondent did not admit any wrongdoing.

THE PLEA BARGAIN

7. In 2007, the district attorney of San Diego County filed a felony complaint against respondent and three other defendants alleging, among other things, theft of personal property and conspiracy to commit fraud. The allegations related to the Alpine project.

8. As part of a plea bargain that resulted in the conviction, respondent agreed to plead guilty to theft with regard to each of three checks. One was a check dated May 3, 2000, in the amount of \$1,000 payable to City of Refuge Church. One was a check dated August 8, 2002, in the amount of \$995 payable to Browning and Associates. The third was a check dated December 16, 2003, in the amount of \$5,115 payable to Village Carpet. Respondent agreed to pay restitution of \$100,000

9. Respondent testified that, as part of his plea bargain, he is prohibited from having access to personal information of private individuals during the period of probation. Thus, something like the prohibition in Penal Code section 4017 that applies to work furlough programs applies to the entire term of respondent's probation.

MITIGATING CIRCUMSTANCES

10. Respondent denies that he engaged in any dishonest conduct. He describes the civil suit against him as "a lawsuit over poor profits." He says he agreed to settle the civil suit and pay a share of \$400,000 because his share was no more than what it would have cost in attorney fees to go to trial. He says he agreed to the plea bargain in the criminal matter because, as a result of the civil suit, he had lost all of his assets and could not afford to retain an attorney.

11. Respondent did not testify explicitly that he engaged in any wrongdoing at all. He testified as follows: His participation in the Alpine project was his "first time as a partner." He had a duty to sign checks. He was responsible for the people who did the accounting. "Our accounting was poor." There were 14 different bookkeepers. There were thousands of checks; I signed checks drawn on the development account that benefitted me personally. There were not adequate systems in place to prevent comingling of funds.

12. One can infer from respondent's testimony that he sees himself as having failed to properly discharge his responsibility to oversee the bookkeeping and accounting operations.

13. No evidence was presented that respondent has engaged in any other wrongdoing. No evidence was presented that a complaint has ever been made against him with regard to any other real estate activity.

REHABILITATION

14. In settling the civil action, respondent paid a share of \$400,000 in restitution. In satisfaction of a condition of his criminal probation, he paid \$100,000 in restitution.

15. As of October of 2010, respondent had completed approximately one-half of the work furlough program he was required to complete as a condition of probation.

16. Respondent has continued to work in the real estate industry. He testified that he has disclosed his conviction to all prospective customers.

17. In order to support his family, respondent has also worked as a laborer on construction projects.

18. Respondent testified that he has changed his business practices to ensure that similar incidents cannot happen again. He, however, did not testify as to what steps he has taken in that regard.

19. Respondent has taken courses on mentoring, counseling, leadership, film making, and Christian teaching.

20. Respondent has been involved in community programs designed to provide social benefits or ameliorate social problems. He donates time to supporting an orphanage in Mexico. He donates time to a sports center that helps children develop interpersonal skills.

21. Respondent has a stable family life. Mrs. Waitley, respondent's wife, testified that he has always "put [his] family first." Respondent and Mrs. Waitley have seven children, two of whom have cerebral palsy. Mrs. Waitley testified that respondent helps to care for the two children who are disabled. Respondent has been exemplary in discharging parental responsibilities.

22. It has been six years since respondent engaged in the conduct that gave rise to his conviction.

23. Respondent is scheduled to be on probation until September 13, 2014.

TESTIMONIALS

24. Respondent submitted 25 letters written by friends, neighbors, and business associates. He also submitted a letter written by Mrs. Waitley.

25. Three of the 25 letters were signed by two people; thus, the 25 letters represent the opinions of 28 people. The letter writers have known respondent for between one year and 40 years, with most of them having known him for more than 10 years. Most of the writers indicated that they knew of respondent's difficulties, but only a few of them referred to his criminal conviction. The writers were uniformly glowing in their praise. Many of the writers said respondent is honorable, honest and devoted to his family. The following is a paraphrased summary of what the letter writers had to say: In respondent's business and family relationships, he is guided by strong moral convictions and professional expertise. Respondent is honorable, reliable, honest, selfless, and compassionate. He is an exceptional community leader who has devoted time to many worthwhile institutions and programs. He is devoted to his family. He is an outstanding parent to his seven daughters; he is particularly

patient with his two disabled daughters. He is determined to help his children be the best they can be in every way.

26. Mrs. Waitley's letter was similar to her testimony. She emphasized that respondent is a humble, loyal, and truthful man.

LEGAL CONCLUSIONS

GROUND TO DISCIPLINE RESPONDENT'S LICENSES

1. By reason of the matters set forth in Findings 2 through 9, it is determined that respondent has been convicted of crimes that are substantially related to the qualifications, functions, or duties of the licensed activity. Thus, pursuant to Business and Professions Code sections 490, subdivision (a), and section 10177, subdivision (b), there are grounds to suspend or revoke respondent's licenses.

REHABILITATION

2. Respondent is to be congratulated for the progress he has made toward rehabilitation. But he continues to be on probation. Good conduct while on probation, with a view to avoiding the risk of going to prison, or good conduct while incarcerated does not necessarily demonstrate integrity.

Since persons under the direct supervision of correctional authorities are required to behave in exemplary fashion, little weight is generally placed on the fact that a bar applicant attempting to show rehabilitation did not commit additional crimes or continue addictive behavior while in prison or while on probation or parole. [Citation.] Similarly, good conduct generally is expected from someone who has applied for admission with, and whose character is under scrutiny by, the State Bar. [Citation.] (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.)

WHAT DISCIPLINE IS APPROPRIATE?

3. Counsel for complainant made a recommendation. She recommended that respondent's licenses be revoked but, as to the salesperson license, the revocation be stayed. That is, she recommended the outright revocation of the broker license and the issuance of a restricted salesperson license. That is a sound recommendation.

4. Respondent has many good qualities. He had many good qualities before he engaged in the conduct that gave rise to the conviction, and he continues to have many good qualities. But he was convicted of three counts of felony grand theft of personal property.

He can, as he did, offer evidence that he did not intentionally engage in dishonest conduct. That evidence, however, can be used only to establish mitigating circumstances. Respondent cannot collaterally attack the conviction. *Arneson v. Fox* (1980) 28 Cal.3d 440, 449.) He stands convicted of grand theft, and unless he obtains an early release from probation, he will be on probation until September 13, 2014.

5. Even if one views respondent's evidence of mitigating circumstances in the light most favorable to him, that evidence raises a serious question about his supervisory skills. Brokers, as respondent does, usually have licensed salespersons working under their supervision. Even if respondent did not intend to engage in dishonesty in connection with the Alpine project, he failed to provide the supervision he was obligated to provide. He knew bookkeepers were serving short tenures. He knew six projects, not all with the same owners, were using the same accounting firm. He knew he should have systems in place to prevent comingling of funds. This combination of things should have caused respondent to have a heightened sense of responsibility. He should have given special care and attention to supervising the operation. Instead, he presided over an operation in which the "accounting was poor." And respondent's evidence of rehabilitation provides little assurance that his supervisory skills have improved. Moreover, as noted above, the evidence respondent presented concerning the events that gave rise to the convictions was not very complete. This record would not support a determination that it is in the public interest for respondent to continue to hold a broker license.

6. On the other hand, a few things suggest that it would not be against the public interest for respondent to hold a restricted salesperson license subject to appropriate conditions. Respondent has held a salesperson for 24 years, with no other known complaints regarding his performance. He is committed to his family and knows that, if he engages in further misconduct, his family will likely suffer tremendously. Also, counsel's recommendation is important. Ms. Cash became very familiar with the evidence, and her recommendation deserves attention.

ORDER

The real estate broker license issued to respondent is revoked.

The real estate salesperson license issued to respondent is revoked. The revocation of the salesperson license, however, is stayed for a period of five years, and a restricted salesperson license will be issued subject to the following conditions:

1. The license shall not confer any property right in the privileges to be exercised.
2. 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) respondent's conviction, including a conviction based on a plea of nolo contendere, of a crime that is

See pg. 1 of
Decision

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.

3. Respondent shall notify the commissioner in writing, within 72 hours of any arrest, by sending a certified letter to the commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

4. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or the removal of any of the conditions, limitations, or restrictions attaching to the restricted license until 3 years have elapsed from the date of issuance of the restricted license.

5. With an application for license, and with any 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, that certifies as follows: (a) The prospective employing broker has read this decision, and (b) the prospective employing broker will carefully review all transaction documents prepared by respondent and otherwise will exercise close supervision over respondent's performance of acts for which a license is required.

6. Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code. Within 18 months of the issuance of the restricted license, respondent shall submit evidence satisfactory to the commissioner of respondent's successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If respondent fails to timely present satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective 18 months after the date of its issuance. The suspension shall not be lifted unless, prior to the expiration of the restricted license, respondent has submitted the required evidence of course completion and the commissioner has given written notice to respondent that the suspension is lifted.

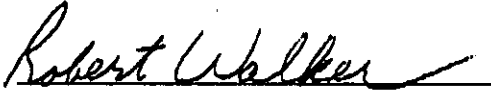
7. Pursuant to Section 10154, if respondent has not satisfied the requirements for an unqualified license under Section 10153.4, respondent shall not be entitled to renew the restricted license and shall not be entitled to the issuance of another license that is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

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of decision

8. If respondent violates the conditions of probation, the board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline of respondent's license. If during probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation, the probationary period shall automatically be extended and shall not expire until the board has acted on the accusation or petition.

9. On respondent's satisfactory completion of probation, an unrestricted license will be issued.

DATED: February 1, 2011


ROBERT WALKER
Administrative Law Judge
Office of Administrative Hearings

FILED

AUG 19 2010

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

DAVID BARTLETT WAITLEY,

Respondent.

NO. H-4068 SD

ORDER VACATING DEFAULT DECISION

The original Accusation in these proceedings was filed on January 21, 2010. The Accusation, together with an RE 505 "Statement to Respondent" form, an uncompleted RE 503 "Notice of Defense on Accusation" form, and an RE 505A "Discovery Provisions" form were duly served upon Respondent by regular and certified mail, return receipt requested, on January 21, 2010.

On June 15, 2010, Respondent's Default was taken and a Default Order was filed. On July 14, 2010, a Default Decision revoking Respondent's real estate broker license was executed, and the same was served upon Respondent on July 30, 2010. The decision was to become effective August 20, 2010.

On August 16, 2010, Respondent timely served upon the Department a written motion pursuant to Government Code Section 11520(c) requesting that the Default Decision of July 14, 2010, be vacated, and that Respondent be granted a hearing. Respondent's request is based upon grounds that Respondent was unaware of the accusation until Respondent received of the revocation of his real estate broker license.

I have read and considered Respondent's request that the Default Decision of July 14, 2010, be vacated and determined that said motion shows good cause to grant the relief requested.

NOW THEREFORE, IT IS HEREBY ORDERED, that the Default Decision of July 14, 2010, be, and hereby is, vacated.

This Order shall be effective immediately.

DATED: 8-19-2010

JEFF DAVI
Real Estate Commissioner

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FILED

JUL 30 2010

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

DAVID BARTLETT WAITLEY,

Respondent.

H-4068 SD

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 15, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of the conviction of crimes.

The right to reinstatement of a revoked real estate license 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.

FINDINGS OF FACT

1

On January 21, 2010, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on January 21, 2010.

On June 15, 2010, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code") as a real estate broker.

3

On approximately May 1, 2009, in the Superior Court, County of San Diego, Respondent was convicted of three counts of violating Section 487 of the California Penal Code (Grand Theft of Personal Property) and Section 12022.6(a)(1) of the California Penal Code (Aggregate Losses Over \$50,000 from Victims), each a felony and a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Business and Professions Code Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee).

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

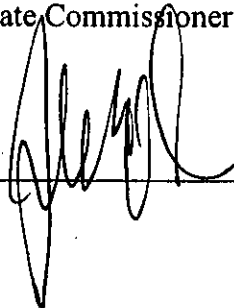
All licenses and licensing rights of Respondent DAVID BARTLETT WAITLEY under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

AUG 20 2010

DATED: _____

7/14/2010
JEFF DAVI
Real Estate Commissioner



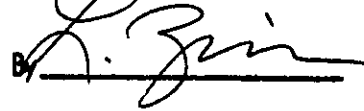
1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

JUN 15 2010

DEPARTMENT OF REAL ESTATE

By: 

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

11 In the Matter of the Accusation of)

12 DAVID BARTLETT WAITLEY,)

13 Respondent.)

H-4068 SD

DEFAULT ORDER

15 Respondent, DAVID BARTLETT WAITLEY, having failed to file a Notice of
16 Defense within the time required by Section 11506 of the Government Code, is now in default.
17 It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED JUN 15 2010

19 JEFF DAVI
20 Real Estate Commissioner

21
22 By:


23 CHARLES W. KOENIG
24 Northern Regional Manager
25
26
27

1 ANGELA L. CASH, Counsel (SBN 230882)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0805 (Direct)

FILED

JAN 21 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11)
12 DAVID BARTLETT WAITLEY,)
13 Respondent.)

No. H-4068 SD

ACCUSATION

14
15 The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of
16 California (hereinafter "Complainant"), for cause of Accusation against DAVID BARTLETT
17 WAITLEY (hereinafter "Respondent"), is informed and alleges as follows:

18 1

19 Complainant makes this Accusation in his official capacity.

20 2

21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "Code") as a real
23 estate broker.

24 3

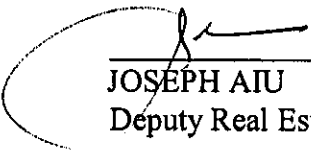
25 On approximately May 1, 2009, in the Superior Court, County of San Diego,
26 Respondent was convicted of three counts of violating Section 487 of the California Penal Code
27 (Grand Theft of Personal Property) and Section 12022.6(a)(1) of the California Penal Code

1 (Aggregate Losses Over \$50,000 from Victims), each a felony and a crime which bears a
2 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
3 qualifications, functions, or duties of a real estate licensee.

4 4

5 The facts alleged above constitute cause under Sections 490 and 10177(b) of the
6 Code for suspension or revocation of all licenses and license rights of Respondent under the Real
7 Estate Law.

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

13
14 
15 JOSEPH AIU
16 Deputy Real Estate Commissioner

17 Dated at San Diego, California,

18 this 29 day of December 20 09.
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20
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