

FILED
MAY - 5 2005

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By [Signature]

* * *

In the Matter of the Accusation of)
) NO. H-4137 SAC
ELMER LOUIS GEORGE,)
)
Respondent.)
_____)

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 April 21, 2005, 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 on grounds of the conviction of a crime.

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

I

On October 8, 2004, J. Chris Graves 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, to Respondent's last known mailing address on file with the Department on October 20, 2004.

On April 21, 2005, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

///

II

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

III

On January 21, 2004, in the United States District Court, Eastern District of California, Respondent was convicted of the crime of Mail Fraud in violation of Title 18 United States Code Section 1341, a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

DETERMINATION OF ISSUES

I

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

II

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

ORDER

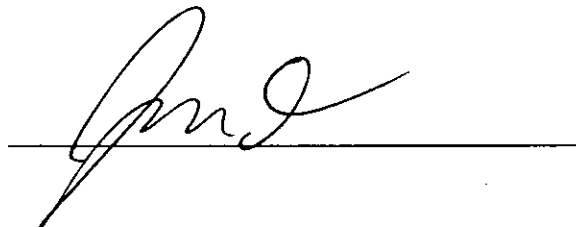
All licenses and licensing rights of Respondent ELMER LOUIS GEORGE, under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on
MAY 25 2005

DATED: _____

4-28-05

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6
7

FILED
APR 21 2005

DEPARTMENT OF REAL ESTATE

[Handwritten signature]

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

11 * * *

12 In the Matter of the Accusation of) No. H-4137 SAC
13 ELMER LOUIS GEORGE,) DEFAULT ORDER
14 Respondent.)
15

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

20 IT IS SO ORDERED April 21, 2005.

21 JEFF DAVI
22 Real Estate Commissioner

23
24 By: *[Handwritten signature]*
25 STEVEN J. ELLIS
26 Regional Manager
27

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5
6 Telephone: (916) 227-0789
7 -or- (916) 227-0788 (Direct)

FILED
OCT 20 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. Ziri

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ELMER LOUIS GEORGE,) No. H-4137 SAC
13 Respondent.) ACCUSATION
14)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against ELMER LOUIS GEORGE (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 I

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

24 II

25 The Complainant, Charles William Koenig, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation against Respondent in his official capacity.

1 III

2 On or about January 21, 2004, in the United States
3 District Court, Eastern District of California, Respondent was
4 convicted of the crime of Mail Fraud in violation of Title 18
5 United States Code Section 1341, a felony and a crime involving
6 moral turpitude which bears a substantial relationship under
7 Section 2910, Title 10, California Code of Regulations (herein
8 "the Regulations"), to the qualifications, functions or duties
9 of a real estate licensee.

10 IV

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

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

22
23 
24 CHARLES W. KOENIG
Deputy Real Estate Commissioner

25 Dated at Sacramento, California,
26 this 8th day of October, 2004.