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FEB 09 2010

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of
THOMAS IAN PAGAN,
Respondent.

No. H-4336 SAC

ORDER GRANTING UNRESTRICTED LICENSE

On September 29, 2005, 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 October 29, 2005, and Respondent has operated as a restricted licensee since that time.

On December 17, 2008, 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 record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
restrictions is granted and that a real estate salesperson license be issued to Respondent if
Respondent satisfies the following conditions within twelve (12) months from the date of this

Order:

1. Submittal of a completed application and payment of the fee for a real estate salesperson license.
2. Submittal of evidence of having 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.

This Order shall become effective immediately.

IT IS SO ORDERED

JEFF DAWI
Real Estate Commissioner

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781
5
6

FILED
OCT 03 2005

DEPARTMENT OF REAL ESTATE

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7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Application of)
11 THOMAS IAN PAGAN,)
12 Respondent.)

No. H-4336 SAC

STIPULATION AND WAIVER

13
14 I, THOMAS IAN PAGAN, respondent herein, do hereby
15 affirm that I have applied to the Department of Real Estate for
16 a real estate salesperson license and that to the best of my
17 knowledge I have satisfied all of the statutory requirements
18 for the issuance of the license, including the payment of the
19 fee therefor.

20 I acknowledge that I have received and read the
21 Statement of Issues and the Statement to Respondent filed by the
22 Department of Real Estate on September 7, 2005, in connection
23 with my application for a real estate salesperson license. I
24 understand 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 he may in his discretion waive the
2 hearing and grant me a restricted real estate salesperson license
3 based upon this Stipulation and Waiver. I also understand that
4 by filing the Statement of Issues in this matter the Real Estate
5 Commissioner is shifting the burden to me to make a satisfactory
6 showing that Respondent meets all the requirements for issuance
7 of a real estate salesperson license. I further understand that
8 by entering into this stipulation and waiver I will be
9 stipulating that the Real Estate Commissioner has found that I
10 have failed to make such a showing, thereby justifying the denial
11 of the issuance to me of an unrestricted real estate salesperson
12 license.

13 I hereby admit that the allegations of the Statement of
14 Issues filed against me are true and correct and requests that
15 the Real Estate Commissioner in his discretion issue a restricted
16 real estate salesperson license to me under the authority of
17 Section 10156.5 of the Business and Professions Code. I
18 understand that any such restricted license will be issued
19 subject to and be limited by Section 10153.4 of the Business and
20 Professions Code.

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

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

3 I further understand that the following conditions,
4 limitations, and restrictions will attach to a restricted license
5 issued by the Department of Real Estate pursuant hereto:

- 6 1. The license shall not confer any property right in the
7 privileges to be exercised including the right of renewal,
8 and the Real Estate Commissioner may by appropriate order
9 suspend the right to exercise any privileges under this
10 restricted license in the event of:
 - 11 a. The conviction of Respondent (including a plea of nolo
12 contendere) to a crime which bears a substantial
13 relationship to Respondent's fitness or capacity as a
14 real estate licensee; or
 - 15 b. The receipt of evidence that Respondent has violated
16 provisions of the California Real Estate Law, the
17 Subdivided Lands Law, Regulations of the Real Estate
18 Commissioner or conditions attaching to this restricted
19 license.
- 20 2. I shall not be eligible to apply for the issuance of an
21 unrestricted real estate license nor the removal of any of
22 the conditions, limitations or restrictions attaching to
23 the restricted license, until two (2) years have elapsed
24 from the date of issuance of the restricted license to
25 Respondent.
- 26 3. With the application for license, or with the application
27 for transfer to a new employing broker, I shall submit a

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

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

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

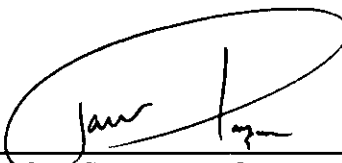
12 4. My restricted real estate salesperson license is issued
13 subject to the requirements of Section 10153.4 of the
14 Business and Professions Code, to wit: I am required,
15 within eighteen (18) months of issuance of the restricted
16 license, to submit evidence satisfactory to the
17 Commissioner of successful completion, at an accredited
18 institution, of two of the courses listed in Section
19 10153.2, other than real estate principles, advanced legal
20 aspects of real estate, advanced real estate finance, or
21 advanced real estate appraisal. If I fail to timely
22 present to the Department satisfactory evidence of
23 successful completion of the two required courses, the
24 restricted license shall be automatically suspended
25 effective eighteen (18) months after the date of its
26 issuance. Said suspension shall not be lifted unless,
27 prior to the expiration of the restricted license, I have

1 submitted the required evidence of course completion and
2 the Commissioner had given written notice to Respondent of
3 the lifting of the suspension.

4 5. Pursuant to Section 10154, if I have not satisfied the
5 requirements for an unqualified license under Section
6 10153.4, Respondent shall not be entitled to renew the
7 restricted license, and shall not be entitled to the
8 issuance of another license which is subject to Section
9 10153.4 until four years after the date of the issuance of
10 the preceding restricted license.

11 Respondent can signify acceptance and approval of the
12 terms and conditions of this Stipulation and Waiver by faxing a
13 copy of the signature page, as actually signed by respondent, to
14 the Department at fax number 916-227-9458. Respondent agrees,
15 acknowledges and understands that by electronically sending to
16 the Department a fax copy of his actual signature as it appears
17 on the Stipulation and Waiver, that receipt of the faxed copy by
18 the Department shall be as binding on respondent as if the
19 Department had received the original signed Stipulation and
20 Waiver.

21 09/19/2005
22 _____
23 DATED

21 
22 _____
23 THOMAS IAN PAGAN
24 Respondent
25
26
27

* * *

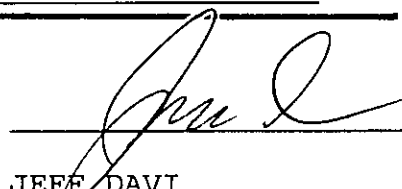
1 I have read the Statement of Issues filed herein and
2 the foregoing Stipulation and Waiver signed by the Respondent. I
3 am satisfied that the hearing for the purpose of requiring
4 further proof as to the honesty and truthfulness of Respondent
5 need not be called and that it will not be inimical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

8
9 Therefor, IT IS HEREBY ORDERED that a restricted real
10 estate salesperson license be issued to Respondent THOMAS IAN
11 PAGAN, if Respondent has otherwise fulfilled all of the statutory
12 requirements for licensure. The restricted license shall be
13 limited, conditioned, and restricted as specified in the
14 foregoing Stipulation and Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED

9-29-05

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18 
19 JEFF DAVI
20 Real Estate Commissioner
21
22
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24
25
26
27

1 JOHN VAN DRIEL, Counsel (SBN 84056)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0787 (Direct)

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SEP -7 2005

DEPARTMENT OF REAL ESTATE

By L. Frost

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H-4336 SAC

12 THOMAS IAN PAGAN,)

STATEMENT OF ISSUES

13 Respondent.)

14
15 The Complainant, Charles Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against THOMAS IAN PAGAN (hereinafter "Respondent"), is informed
18 and alleges as follows:

19 I

20 Complainant makes this Statement of Issues in his
21 official capacity and not otherwise.

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 February 28, 2005 with the knowledge and
26 understanding that any license issued as a result of said

27 ///

1 application would be subject to the conditions of Section 10153.4
2 of the Business & Professions Code.

3 III

4 On or about September 21, 1999, in the Santa Barbara
5 County Superior Court, Respondent was convicted of a violation of
6 Section 23152 (DUI) of the California Vehicle Code, a crime
7 involving moral turpitude and which bears a substantial
8 relationship under Section 2910, Title 10, California Code of
9 Regulations, to the qualifications, functions, or duties of a
10 real estate licensee.

11 IV

12 On or about November 13, 2001, in the Santa Clara
13 County Superior Court, Respondent was convicted of a violation of
14 Section 647(f) (public intoxication) and Section 242-243 (battery
15 on a police officer) of the California Penal Code, crimes
16 involving moral turpitude and which bear a substantial
17 relationship under Section 2910, Title 10, California Code of
18 Regulations, to the qualifications, functions, or duties of a
19 real estate licensee.

20 V

21 The crimes of which Respondent was convicted, as
22 alleged in Paragraphs III and IV, constitute cause for denial of
23 Respondent's application for a real estate license under Sections
24 480(a) and 10177(b) of the California Business and Professions
25 Code.

26 WHEREFORE, the Complainant prays that the above-
27 entitled matter be set for hearing and, upon proof of the charges

1 contained herein, that the Commissioner refuse to authorize the
2 issuance of, and deny the issuance of, a real estate salesperson
3 license to Respondent, and for such other and further relief as
4 may be proper under other provisions of law.

5
6
7 
8 CHARLES KOENIG
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 31st day of August, 2005.