

**FILED**

JAN 13 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
TIMOTHY SCOTT GARTON,  
Respondent.

No. H-4437 SAC

ORDER GRANTING UNRESTRICTED LICENSE

On May 24, 2006, 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 July 10, 2006, and Respondent has operated as a restricted licensee since that time.

On November 13, 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.

1                    NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
2 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to  
3 the following understanding and conditions:

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

7                    2.     Within twelve (12) months from the date of this order Respondent shall:

8                    (a)    Submit a completed application and payment of the appropriate fee for a  
9 real estate salesperson license, and

10                   (b)    Submit evidence of having taken and successfully completed the courses  
11 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law  
12 for renewal of a real estate license.

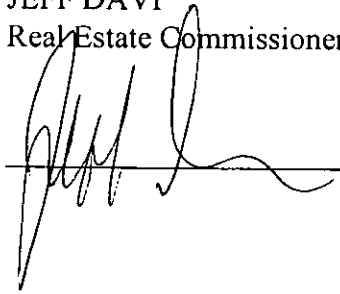
13                   3.     Upon renewal of the license issued pursuant to this order, Respondent  
14 shall submit evidence of having taken and successfully completed the continuing education  
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
16 license.

17                   This Order shall become effective immediately.

18                   IT IS SO ORDERED \_\_\_\_\_

12-1-09

20                   JEFF DAVI  
21                   Real Estate Commissioner

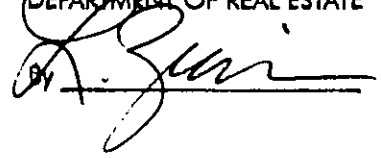
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FILED  
MAY 26 2006

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

\* \* \*

By 

In the Matter of the Application of	)	
	)	NO. H-4437 SAC
TIMOTHY SCOTT GARTON,	)	
	)	OAH NO. N-2006030412
Respondent.	)	
	)	

DECISION

The Proposed Decision dated April 26, 2006, 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.

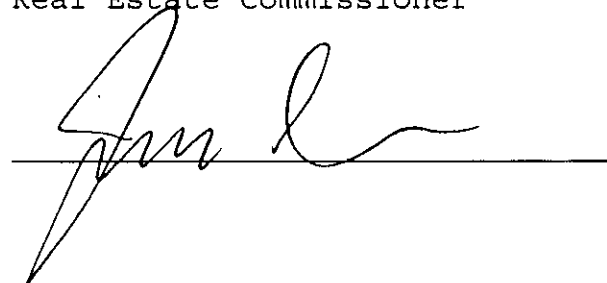
The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon on JUN 16 2006.

IT IS SO ORDERED S-206-06

JEFF DAVI  
Real Estate Commissioner



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

TIMOTHY SCOTT GARTON,

Respondent.

Case No. H-4437 SAC

OAH No. N2006030412

**PROPOSED DECISION**

Administrative Law Judge Mary-Margaret Anderson, Office of Administrative Hearings, State of California, heard this matter in Oakland, California, on April 13, 2006.

David L. Seals, Counsel, Department of Real Estate, represented Complainant Charles W. Koenig, Deputy Real Estate Commissioner.

Edgardo Gonzalez represented Respondent Timothy Scott Garton.

The record closed on April 13, 2006.

**FACTUAL FINDINGS**

1. Complainant Charles W. Koenig filed the Statement of Issues in his official capacity as a deputy real estate commissioner for the Department of Real Estate, State of California.
2. On April 19, 2005, Timothy Scott Garton (Respondent) filed an application for a real estate salesperson license with the Department. The application form requires the disclosure of all criminal convictions. Respondent complied with the requirement by revealing ten convictions, including details such as the court, arresting agency, date and other matters. The application was filed with the understanding that any license issued as a result would be subject to the conditions of Business and Professions Code section 10153.4.

*Criminal convictions*

3. On April 19, 1987, in the Napa County Superior Court, Respondent was convicted by his plea of guilty of a misdemeanor violation of Vehicle Code section 23152, subdivision (a), driving while under the influence of alcohol.

Respondent testified that he had been drinking near Lake Berryessa and when stopped by a deputy sheriff, refused to be tested. He was placed on probation for one year and served two days in county jail.

4. On March 9, 1988, in the Solano County Superior Court, Respondent was convicted by his plea of guilty of a misdemeanor violation of Penal Code section 537, subdivision (a)(1), defrauding an innkeeper. Imposition of sentence was suspended and Respondent was placed on probation for 12 months and ordered to pay restitution.

Respondent testified that he had been living in a car with his girlfriend. They ate in a restaurant and left without paying. Respondent believes he served seven days in jail for his offense.

5. On May 24, 1989, in the Solano County Superior Court, Respondent was convicted by his plea of nolo contendere of misdemeanor violations of Vehicle Code section 20001 (hit and run) and 21663 (driving on a sidewalk). He was sentenced to serve ten days in county jail and placed on probation for three years.

Respondent testified that he does not recall the details very well of the incident that led to these convictions. He saw an "enemy" while driving and swerved towards him, but does not believe the man was hurt. Respondent may have served seven days in jail.

6. On September 11, 1989, in the Solano County Superior Court, Respondent was convicted by his plea of nolo contendere of a misdemeanor violation of Penal Code section 496(1), receiving stolen property. On October 30, 1989, Respondent was placed on probation for three years and ordered to serve 19 days in the county jail, pay a fine and complete 80 hours of community service.

On April 25, in 2000 or later, (the year is not legible on the court order) his case was ordered dismissed pursuant to Penal Code section 1203.4.

Respondent testified that he bought a bike for \$20 that had been stolen. He believes he served about three months in jail.

7. On February 21, 1990, in the Napa County Superior Court, Respondent was convicted by his plea of nolo contendere of a felony violation of Penal Code section 459, second degree burglary. On March 7, 1990, Respondent was sentenced to two years in state prison and ordered to pay a fine of \$500.

This conviction arose from Respondent's conduct on January 31, 1990. Police reports state that he used bolt cutters to enter a locked storage facility used by an electrical construction company. Respondent removed at least 35 items, including quantities of copper wire, boxes of Romex, switch plates, light fixtures, power tools and other materials. He was arrested for the crime after being stopped by police for a traffic violation. Respondent had

stolen items in his truck. He also stored stolen items in his own storage unit and at his father's house.

Respondent testified that he was unemployed and living in his car at the time of this offense. He broke into the storage facility in order to obtain items to sell for money to buy drugs. He recalls serving 14 months in state prison.

8. On April 21, 1991, in the Solano County Superior Court, Respondent was convicted of a misdemeanor violation of Vehicle Code section 23152, subdivision (a), driving while under the influence of alcohol.

Respondent admits the conviction, but does not recall this incident. He was drinking alcohol daily at the time.

9. On February 19, 1992, in the Solano County Superior Court, Respondent was convicted of a misdemeanor violation of Vehicle Code section 23152, subdivision (a), driving while under the influence of alcohol.

Again, Respondent admits the conviction although he does not recall the details. In addition, Respondent notes that his parole was violated as a result of one of the convictions that occurred after he was released from prison and he was returned to prison for eight months.

10. On March 8, 1996, in the Solano County Superior Court, Respondent was convicted by his plea of nolo contendere of a misdemeanor violation of Penal Code section 166(4), violation of a court order. Respondent was placed on probation for three years and ordered to seek alcohol treatment and counseling.

This conviction arose from Respondent's conduct on February 21, 1996. A police report states that he violated a restraining order by opening a window at his former girlfriend's house, leaning in and speaking with her.

Respondent testified that he had dated the woman for about six years, and when they broke up, she obtained a restraining order. He believes he served two days in jail.

#### *Respondent's evidence*

11. Respondent's 1996 conviction was his last, although he was arrested "about three years ago" for battery on a girlfriend. He completed a one-year anger management program and the case was dismissed.

12. Respondent believes that alcohol and drug use was behind all of his convictions. He has used marijuana, methamphetamine and cocaine as well as alcohol. Respondent started using alcohol in high school and it escalated into an addiction. He sold everything to support his habit and, when he was out of money, would commit crimes.

When Respondent was told that he could not see his son because of alcohol use and poor behavior, Respondent began to change. He was required to submit to testing in order to have visitation. Respondent first tried Alcoholics Anonymous, but he did not like the atmosphere or the people. At AA, Respondent would see all the people that he knew who had the same problems he did. So he joined a church and made all new friends. Both of the churches he has attended in the past ten years have had their own recovery programs. He first attended Harvest Free Will Baptist Church in Vallejo. He has attended Northgate Christian in Benicia for about three years.

13. Respondent readily admits that recovery has been difficult. He does not recognize a specific sobriety date, but reports eight years of commitment to sobriety. Although he took a drink about six months ago, he did not like it and knows that alcohol, for him, "is poison." Respondent expressed great remorse for his prior acts, calling them "huge mistakes." He believes that he is a changed man.

14. Respondent began attending classes in welding and related matters at Solano Community College in 1992. In 1997 he earned a certificate of completion from the Field Ironworkers Apprenticeship and Training program. A recent transcript shows he also has taken various business and real estate courses. His most recent class was in real estate finance in the fall of 2005. In total, he has earned 42.5 units.

15. Currently 39 years of age, Respondent has worked as a union ironworker for about 12 years. Respondent obtains jobs through Local 378 out of Oakland, and notes that he is required to submit to drug testing in order to work in this field. He works steadily and has about ten employers a year.

16. Respondent began investing in real estate about four years ago and now owns seven investment properties. He belongs to the California Apartment Association and has attended numerous programs concerning property management. He belongs to the organization because "they teach you how to have integrity and be a great landlord." Respondent is certified as an apartment manager.

17. Respondent is unmarried. His son is now 18 years old and lives in southern California. They are on good terms and Respondent has supported him financially. He has offered to pay for college, but the young man has chosen to complete an internship to become a mechanic. Respondent was unwelcome at his parent's home for many years, but now reports an excellent relationship with them and believes they are proud of him.

18. Respondent currently lives a very busy life. In addition to working full-time as a welder, he spends time managing his investments and either works out at a gym, attends a class or attends a church event every day after work. Respondent participates in the recovery program at his church and attends services there. He has worked with a church program to feed the homeless, but prefers to donate money to charity because of time constraints.

Regarding his plans in real estate should he obtain a license, Respondent's goals are to be "a sales agent in Solano County, get the best training possible and be successful and honest."

19. Respondent testified in an open and forthcoming manner that was consistent with credibility. He volunteered information that was not particularly flattering in an apparent effort to be completely honest about his past. Respondent appears genuine and sincere in his commitment to live a sober and law-abiding life.

20. Three witnesses testified on Respondent's behalf.

a. Donald Kreiss is an ironworker employer who also has a real estate management company. He met Respondent about four years ago after hiring him for a job. When they met, he "had no idea of a criminal background." He describes Respondent as "an exemplary employee." Kreiss needs people who are very honest, reliable and skilled. Respondent always reports and performs well with other employees and contractors. He has never seen Respondent drink or take drugs. Kreiss says that Respondent has always "shown a fetish for honesty and integrity."

b. Robert Giane Desimone has known Respondent for three years. He runs a men's recovery group at the church they both attend and first met Respondent at a Monday night meeting. Desimone reports that Respondent now attends that meeting no less than twice a month and is a cherished member and willing participant. Desimone also frequently sees Respondent at Bible study on Thursday evenings and at Sunday services. He describes Respondent as rehabilitated and changed, and as a "stand-up guy I would trust with my children."

c. Julie Parker is a sales manager with Star Team Real Estate and Star Team Financial in Vallejo. She has been licensed for 23 years as a real estate salesperson. Parker has known Respondent for four years. She has worked with him regarding his own transactions and they have been in an investors' group together. Respondent told Parker in general about his convictions and she heard them discussed at the hearing. She believes Respondent is rehabilitated as he acts in a Christian manner and has good character — "He is honest and that is the most important thing." Parker stated that she has seen Respondent under stress and in situations where most people would get angry, but he has not. Parker would welcome the chance to work with Respondent in real estate.

21. Respondent presented three letters of reference.

a. Donald Zampa is the Business Manager and Financial Secretary/Treasurer of Iron Workers Local #378. He wrote to verify that Respondent has been an active member in good standing since April 15, 1994. Respondent has demonstrated that he is a very dependable union member who arrives at job sites promptly and is willing to perform as a supervisor/foreman.



b. Sandra Garton, Respondent's mother, wrote that Respondent has great enthusiasm for real estate and has shown integrity in his personal life.

c. Mike Price wrote that he has known Respondent for ten years as a friend and neighbor. He believes that Respondent is a role model for the neighborhood and that he could depend on him for anything.

## LEGAL CONCLUSIONS

1. Business and Professions Code section 480, subdivision (a), provides that a real estate license may be denied if the applicant has been convicted of a crime that is substantially related to the qualifications, functions or duties of the profession. Department regulations (Cal. Code Regs., tit. 10, § 2910) contain criteria that define "substantially related" in connection to the real estate profession. Respondent's convictions are substantially related pursuant to the criteria.

Defrauding an innkeeper, receiving stolen property and burglary are all theft-based crimes that involve the commission of an unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8).) Respondent was also convicted of violating of a court order. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(9).) His record contains four driving-related convictions, three of which are for driving while intoxicated. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(9).) And, taken together, Respondent's multiple criminal convictions demonstrate a pattern of willful disregard for the law. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(10).) Hence, Respondent's convictions give cause to deny his application.

2. Business and Professions Code section 10177, subdivision (b), provides that a real estate license may be denied if the applicant has been convicted of a felony or a crime of moral turpitude. Respondent's record contains one felony — the burglary.

3. Moral turpitude is a concept difficult to define. It has been described as "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general" and as "innately a relative concept depending upon both contemporary moral values and the degree of its inimical quality." (*Rice v. Alcoholic Beverage Control Appeals Board* (1979) 89 Cal.App.3d, 30, 306.) It is well settled that theft involves moral turpitude per se. Therefore, Respondent's convictions for burglary, defrauding an innkeeper and receiving stolen property, are for crimes of moral turpitude.

Crimes that do not involve moral turpitude per se may be so defined by reason of the circumstances surrounding their commission. Respondent's multiple convictions of driving under the influence of alcohol fall within this category because they demonstrate that he repeatedly engaged in conduct known to contain a great risk of grave harm to others with conscious indifference towards this potential. (*People v. Forster* (1994) 29 Cal.App.4th

1746, 1757.) Hence, Respondent's convictions for the above-described offenses give cause to deny licensure.

4. On the other hand, it was not shown that Respondent's violation of a restraining order or his hit and run/driving on a sidewalk violations were so egregious as to involve moral turpitude due to their facts.

5. As legal cause for denial exists, the next question to be addressed is whether Respondent has demonstrated rehabilitation. A primary purpose of the licensing scheme for real estate professionals is to protect the public from dishonest and unscrupulous licensees. It is particularly important that real estate salespersons possess the character traits of honesty and integrity and Respondent's criminal convictions, particularly the theft-related offenses, are evidence that he lacks such qualities. Department regulations (Cal. Code Regs., tit. 10, § 2911) also contain criteria to assist in the difficult assessment of rehabilitation and consequent risk to the public safety presented by an applicant who has been convicted of a crime. Measured against the criteria and other relevant considerations, evidence of rehabilitation is sufficient in this matter to justify issuance of a restricted license.

6. Respondent's last conviction was ten years ago. His criminal record is grounded in alcohol and drug abuse and he has now been sober for approximately eight years; has been continuously employed; has fulfilled family responsibilities; has different social and business relationships; and has pursued a new career with a conscious sense of responsibility towards others. Respondent presented persuasive evidence of a great change in attitude and lifestyle supported by continued involvement with a substance abuse recovery group. In other words, he has turned his life completely around and now functions as a responsible member of society. It is therefore determined that the public interest will be sufficiently protected by the issuance of a restricted license.

#### ORDER

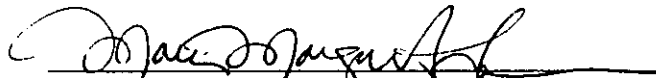
The application of Timothy Scott Garton for a real estate salesperson license is denied; however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to Respondent shall be subject to 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, and 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. The conviction of Respondent (including a plea of nolo contendere) of a crime which is 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.
2. 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 two years have elapsed from the date of issuance of the restricted license to 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 real estate broker on a form approved by the Department of Real Estate which shall certify as follows:
- a. That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
  - b. That the employing 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.
4. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and one of the courses listed in section 10153.2, other than real estate principles, advanced aspects of real estate, advanced real estate finance or advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said 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 of lifting of the suspension.

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 which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

DATED: April 26, 2006

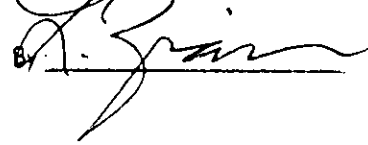
  
MARY-MARGARET ANDERSON  
Administrative Law Judge  
Office of Administrative Hearings

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED  
FEB 18 2006

DEPARTMENT OF REAL ESTATE

By: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Application of )  
12 TIMOTHY SCOTT GARTON, )  
13 Respondent. )

No. H-4437 SAC )  
)  
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 TIMOTHY SCOTT GARTON (hereinafter "Respondent")  
18 alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section  
21 10153.3 of the Business and Professions Code, made application  
22 to the Department of Real Estate of the State of California for  
23 a real estate salesperson license on or about April 19, 2005,  
24 with the knowledge and understanding that any license issued as  
25 a result of said application would be subject to the conditions  
26 of Section 10153.4 of the Business and Professions Code.

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II

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

III

On or about April 19, 1987 in the Superior Court of California, County of Napa, Respondent was convicted of the violation of California Vehicle Code Section 23152(a) (Driving While Under the Influence of Alcohol or Drugs), a crime involving moral turpitude and/or which is substantially related under Section 2910, Title 10, California Code of Regulations (hereinafter the "Regulations") to the qualifications, functions or duties of a real estate licensee.

IV

On or about March 9, 1988 in the Superior Court of California, County of Solano, Respondent was convicted of the violation of California Penal Code Section 537(a)(1) (Defrauding Innkeeper), a crime involving moral turpitude and/or which is substantially related under Section 2910, Title 10, California Code of Regulations (hereinafter the "Regulations") to the qualifications, functions or duties of a real estate licensee.

V

On or about May 24, 1989 in the Superior Court of California, County of Solano, Respondent was convicted of the violation of California Vehicle Code Section 20001 (Hit and Run) and Section 21663 (Sidewalks - Restrictions on Vehicles), crimes involving moral turpitude and/or which are substantially related

1 under Section 2910 of the Regulations to the qualifications,  
2 functions or duties of a real estate licensee.

3 VI

4 On or about October 30, 1989, in the Superior Court of  
5 the State of California in and for the County of Solano,  
6 Respondent was convicted of violation of California Penal Code  
7 Section 496(1) (Receiving Stolen Property), a crime involving  
8 moral turpitude and/or which is substantially related under  
9 Section 2910 of the Regulations to the qualifications, functions  
10 or duties of a real estate licensee.

11 VII

12 On or about March 7, 1990 in the Superior Court of  
13 California, County of Napa, Respondent was convicted of the  
14 violation of California Penal Code Section 459 (Second Degree  
15 Burglary), a felony and a crime involving moral turpitude and/or  
16 which is substantially related under Section 2910 of the  
17 Regulations to the qualifications, functions or duties of a real  
18 estate licensee.

19 VIII

20 On or about April 20, 1991 in the Superior Court of  
21 the State of California in and for the County of Solano,  
22 Respondent was convicted of the violation of California Vehicle  
23 Code Section 23152(a) (Driving While Under the Influence of  
24 Alcohol or Drugs), a crime involving moral turpitude and/or  
25 which is substantially related under Section 2910 of the  
26 Regulations to the qualifications, functions or duties of a real  
27 estate licensee.

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IX

On or about February 19, 1992 in the Superior Court of the State of California in and for the County of Solano, Respondent was convicted of the violation of California Vehicle Code Section 23152(a) (Driving While Under the Influence of Alcohol or Drugs), a crime involving moral turpitude and/or which is substantially related under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

X

On or about March 8, 1996 in the Superior Court of the State of California in and for the County of Solano, Respondent was convicted of the violation of California Penal Code Section 166(4) (Contempt of Court), a crime involving moral turpitude and/or which is substantially related under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

XI

Respondent's criminal convictions, as alleged in Paragraphs III through X above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.

  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 6<sup>th</sup> day of February, 2006.