

FILED

DEC 15 2010

DEPARTMENT OF REAL ESTATE

By L. Zirin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

TONY L. BRACY,

No. H-4459 SAC

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On June 13, 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 26, 2006, and Respondent has operated as a restricted licensee since that time.

On April 19, 2010, 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

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1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and

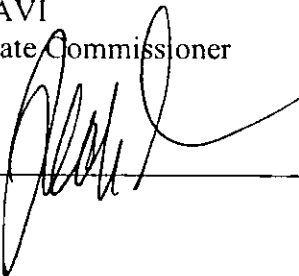
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED

12/14/2016

14 JEFF DAVI
15 Real Estate Commissioner

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RECEIVED
Department of Real Estate
JUN 16 2006

Department of Real Estate
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

MAY 01 2006
DEPARTMENT OF REAL ESTATE
SACTO FRONT COUNTER

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
TONY L. BRACY,) NO. H-4459 SAC
Respondent.) STIPULATION AND WAIVER

It is hereby stipulated by and between TONY L. BRACY
(hereinafter "Respondent"), and the Complainant, acting by and
through Michael B. Rich, Counsel for the Department of Real
Estate, as follows for the purpose of settling and disposing of
the Statement of Issues filed on April 20, 2006, in this matter:

A. Respondent acknowledges that he has received and
read the Statement of Issues and the Statement to Respondent
filed by the Department of Real Estate in connection with his
application for a real estate salesperson license. Respondent
understands that the Real Estate Commissioner may hold a hearing
on this Statement of Issues for the purpose of requiring further
proof of Respondent's honesty and truthfulness and to prove
other allegations therein, or that he may in his discretion

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SACTO FRONT COUNTER

1 waive the hearing and grant Respondent a restricted real estate
2 salesperson license based upon this Stipulation and Waiver.
3 Respondent also understands that by filing the Statement of
4 Issues in this matter the Real Estate Commissioner is shifting
5 the burden to Respondent to make a satisfactory showing that
6 Respondent meet all the requirements for issuance of a real
7 estate salesperson license. Respondent further understands that
8 by entering into this stipulation and waiver Respondent will be
9 stipulating that the Real Estate Commissioner has found that
10 Respondent has failed to make such a showing, thereby justifying
11 the denial of the issuance to Respondent of an unrestricted real
12 estate salesperson license.

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

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

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1 right to a hearing and to further proceedings ~~to obtain a~~ FROM COURT
2 restricted or unrestricted license if this Stipulation and
3 Waiver is not accepted by the Commissioner.

4 D. Respondent further understands that the following
5 conditions, limitations, and restrictions will attach to a
6 restricted license issued by the Department of Real Estate
7 pursuant hereto:

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

- 3 3. With the application for license, or with the application
4 for transfer to a new employing broker, Respondent shall
5 submit a statement signed by the prospective employing
6 broker on a form approved by the Department of Real
7 Estate wherein the employing broker shall certify as
8 follows:

9 a. That broker has read the Statement of Issuance which
10 is the basis for the issuance of ~~the~~ restricted
11 license; and

12 b. That broker will carefully review all transaction
13 documents prepared by the restricted licensee and
14 otherwise exercise close supervision over the
15 licensee's performance of acts for which a license is
16 required.

- 17 4. Respondent's restricted real estate salesperson license
18 is issued subject to the requirements of Section 10153.4
19 of the Business and Professions Code, to wit: Respondent
20 is required, within eighteen (18) months of the issuance
21 of the restricted license, to submit evidence
22 satisfactory to the Commissioner of successful
23 completion, at an accredited institution, of two of the
24 courses listed in Section 10153.2, other than real estate
25 principles, advanced legal aspects of real estate,
26 advanced real estate finance, or advanced real estate
27 appraisal. If Respondent fails to timely present to the

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1 Department satisfactory evidence of successful completion
2 of the two required courses, the restricted license shall
3 be automatically suspended effective eighteen (18) months
4 after the date of its issuance. Said suspension shall
5 not be lifted unless, prior to the expiration of the
6 restricted license, Respondent has submitted the required
7 evidence of course completion and the Commissioner has
8 given written notice to Respondent of the lifting of the
9 suspension.

10 5. Pursuant to Section 10154, if Respondent has not
11 satisfied the requirements for an unqualified license
12 under Section 10153.4, Respondent shall not be entitled
13 to renew the restricted license, and shall not be
14 entitled to the issuance of another license which is
15 subject to Section 10153.4 until four years after the
16 date of the issuance of the preceding restricted license.

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20 May 2, 2006
21 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
DEPARTMENT OF REAL ESTATE

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25 I have read the Stipulation and Waiver, have discussed
26 it with my counsel, and its terms are understood by me and are
27 agreeable and acceptable to me. I understand that I am waiving

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1 rights given to me by the California Administrative Procedure
2 Act (including but not limited to Sections 11506, 11508, 11509,
3 and 11513 of the Government Code), and I willingly,
4 intelligently, and voluntarily waive those rights, including the
5 right of a hearing on the Statement of Issues at which I would
6 have the right to cross-examine witnesses against me and to
7 present evidence in defense and mitigation of the charges.

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11 DATED5/1/06 MAY 2ND 2006TONY L. BRACY
Respondent12
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15 * * *

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

23 Therefore, IT IS HEREBY ORDERED that a restricted real
24 estate salesperson license be issued to Respondent if Respondent
25 has otherwise fulfilled all of the statutory requirements for
26 licensure. The restricted license shall be limited,

1 conditioned, and restricted as specified in the foregoing
2 Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED 6-13-, 2006.
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6 JEFF DAVI

7 Real Estate Commissioner

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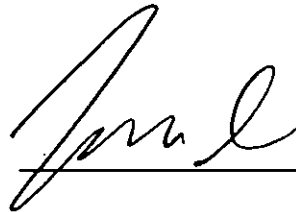
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1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED
APR 20 2006

DEPARTMENT OF REAL ESTATE

By S. E. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 TONY L. BRACY,)
13 Respondent.)

No. H-4459 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 TONY L. BRACY also known as TONY LEE BRACY
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about May 6, 2005, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to the conditions of Section 10153.4
25 of the Business and Professions Code.

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1 II

2 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity and not otherwise.

5 III

6 On or about June 9, 1994, in the Municipal and Superior
7 Court, County of Yolo, State of California, in case number 66663,
8 Respondent was convicted of a violation of Section 12025(a)(1) of
9 the California Penal Code (Carry concealed within any vehicle any
10 pistol or firearm capable of concealment upon the person), a
11 crime involving moral turpitude and/or a crime which bears a
12 substantial relationship under Section 2910, Title 10, California
13 Code of Regulations, to the qualifications, functions, or duties
14 of a real estate licensee.

15 IV

16 On or about February 7, 1997, in the Municipal and
17 Superior Court, County of Yolo, State of California, in case
18 number 96002438, Respondent was convicted of violating Section
19 23103 of the California Vehicle Code (Drive vehicle upon highway
20 in willful and wanton disregard for safety) pursuant to Section
21 23103.5 of the California Vehicle Code (Substitute charge of
22 Section 23103 in lieu of driving under the influence under
23 Section 23152) and of violating Section 11357(c) of the
24 California Health and Safety Code (Unlawful possession of more
25 than 28.5 grams of marijuana), crimes involving moral turpitude
26 and/or crimes which bear a substantial relationship under Section

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1 2910, Title 10, California Code of Regulations, to the
2 qualifications, functions, or duties of a real estate licensee.

3 V

4 On or about July 18, 2000, in the Superior Court,
5 County of Sacramento, State of California, in case number
6 98F08366, Respondent was convicted of four counts of violating
7 Section 11379(a) of the California Health and Safety Code
8 (Unlawful transportation of a controlled substance; to wit,
9 methamphetamine) and one count of violating Section 11352(a) of
10 the California Health and Safety Code (Unlawful possession,
11 transport, furnishing, or selling of a controlled substance; to
12 wit, cocaine hydrochloride), felonies involving moral turpitude
13 and/or crimes which bear a substantial relationship under Section
14 2910, Title 10, California Code of Regulations, to the
15 qualifications, functions, or duties of a real estate licensee.

16 PRIOR PROCEEDINGS

17 VI

18 Effective October 28, 2004, in Case No. H-4026 SAC
19 before the Department of Real Estate of the State of California,
20 the application of Respondent for a conditional real estate
21 salesperson license was denied for violation of Sections 480(a)
22 and 10177(b) of the Code.

23 VII

24 The crimes of which Respondent was convicted, as
25 alleged in Paragraphs III, IV and V, inclusive, individually
26 and/or collectively, constitute cause for denial of Respondent's
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1 application for a real estate license under Sections 480(a)
2 and/or 10177(b) of the California Business and Professions Code.

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

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11 
12 CHARLES W. KOENIG
13 Deputy Real Estate Commissioner

14 Dated at Sacramento, California,
15 this 14th day of April, 2006.
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