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FILED
MAR 01 2007

DEPARTMENT OF REAL ESTATE

By *Juan Quintana*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-4697 SF
)	No. H-4604 SF
TAKASHI TSUNODA,)	
)	
Respondent.)	

ORDER GRANTING UNRESTRICTED LICENSE

On August 23, 1978, a Decision was rendered in Case No. H-4604 SF denying Respondent's application for a real estate broker license. Effective July 3, 1979, a Decision was rendered in Case No. H-4697 SF denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on July 3, 1979, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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///

1 On August 8, 2006, Respondent petitioned for the
2 removal of restrictions attaching to Respondent's real estate
3 broker license.

4 I have considered Respondent's Petition and the
5 evidence submitted in support thereof including Respondent's
6 record as a restricted licensee. Respondent has demonstrated to
7 my satisfaction that Respondent meets the requirements of law for
8 the issuance to Respondent of an unrestricted real estate broker
9 license and that it would not be against the public interest to
10 issue said license to Respondent.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 Petition for removal of restrictions is granted and that a real
13 estate broker license be issued to Respondent if, within nine (9)
14 months from the date of this order, Respondent shall:

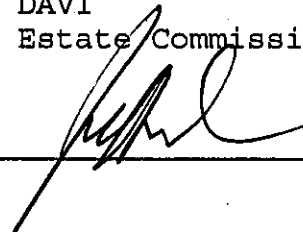
15 (a) Submit a completed application and pay the
16 appropriate fee for a real estate broker license, and

17 (b) Submit evidence of having taken and successfully
18 completed the continuing education requirements of Article 2.5 of
19 Chapter 3 of the Real Estate Law for renewal of a real estate
20 license.

21 This Order shall become effective immediately.

22 IT IS SO ORDERED

23 JEFF DAVI
24 Real Estate Commissioner

25 
26
27

COPY

FILED
MAR 22 1979

DEPARTMENT OF REAL ESTATE

By *Victoria M. Dillon*
Victoria M. Dillon

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

- - -

In the Matter of the Application of)	NO. H-4697 SF
TAKASHI TSUNODA,)	N 12620
Respondent.)	

DECISION

The Proposed Decision dated February 23, 1979, 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 broker license is denied, but the right to a restricted real estate broker 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 of Section 11522 is attached hereto for the information of respondent.

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If and when application is made for a real estate broker 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 attached hereto.

This Decision shall become effective at 12 o'clock noon on July 3, 1979.

IT IS SO ORDERED 2/19, 1979.


DAVID H. FOX
Real Estate Commissioner

guilty of a violation of Section 484 of the California Penal Code (Petty Theft). Thereafter the Court ordered that the respondent pay a fine of Two Hundred Fifty Dollars (\$250), plus a Sixty-Five Dollar (\$65) assessment penalty, and further that respondent be placed on informal probation for a period of one (1) year. On April 19, 1976, the Court granted respondent's petition and order dismissing the complaint pursuant to Penal Code Section 1203.4.

IV

Respondent has been convicted of a crime involving moral turpitude and one which is substantially related to the qualifications, functions, and duties of a real estate licensee.

V

(a) On November 15, 1974, respondent inexplicably engaged in a shoplifting spree in several different stores. He had no particular use for the items stolen; they totaled \$273 in value and respondent had sufficient money on his person to pay for them.

(b) Respondent is unable to explain why he stole the items. He is humiliated and ashamed of his actions. His probation report stated that he appeared to be of good intelligence, well oriented and exhibited no bizarre attitudes. His appearance at the hearing substantiates this statement. He has never been arrested before or since the 1974 incident.

DETERMINATION OF ISSUES

I

Grounds for denying respondent's application have been established pursuant to Business and Professions Code Section 10177(b).

II

The evidence establishes that it would not be contrary to the public interest to issue to respondent a restricted real estate broker license.

ORDER

The application of Takashi Tsunoda for issuance of a real estate broker license is denied; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to Business and Professions Code Section

10156.5, if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within one (1) year from the effective date of the decision herein.

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:

(a) Said restricted license 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 bears a significant relation to respondent's fitness or capacity as a real estate licensee.

(b) Said restricted license 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 this restricted license.

(c) Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his decision herein or by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

(d) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions of a

restricted license until two (2) years have elapsed from the date of issuance of the restricted license to respondent.

DATED:

February 23, 1979

George R. Coan
GEORGE R. COAN
Administrative Law Judge

GRC:LHJ

COPY

FILED
JAN 26 1979

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

and Amended Application
In the Matter of the Application/of)

By Victoria M. Dillon
Victoria M. Dillon

TAKASHI TSUNODA
Respondent)

No. H-4697 SF
N 12620

CONTINUED
NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Office of Administrative Hearings, 100 Van Ness Ave., Real Estate at 11th Floor, AAA Building, San Francisco, California on the 8th day of February, 1979, at the hour of 1:00 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency may act upon your application without taking evidence.

You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Dated: January 26, 1979

DAVID H. FOX
REAL ESTATE COMMISSIONER

By Stephen W. Thomas
Attorney
STEPHEN W. THOMAS

COPY

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

JAN 23 1979

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

and Amended Application

By Victoria M. Dillon
Victoria M. Dillon

In the Matter of the Application/of)

TAKASHI TSUNODA
Respondent)

No. H-4697 SF
N 12620

NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Office of Administrative Hearings, 100 Van Ness Ave., Real Estate at 11th Floor, AAA Building, San Francisco, California on the 15th day of February, 1979, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency may act upon your application without taking evidence.

You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Dated: January 23, 1979

DAVID H. FOX
REAL ESTATE COMMISSIONER

By Stephen W. Thomas
Attorney
STEPHEN W. THOMAS

1 STEPHEN W. THOMAS, Counsel
2 One Hallidie Plaza
3 Suite 200
4 San Francisco, CA 94102
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FILED
JAN 4 - 1979

DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin
Roshni R. Kalidin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

- - -

In the Matter of the Application of) No. H-4697 SF
TAKASHI TSUNODA,) AMENDED STATEMENT OF ISSUES
Respondent.)

I

The Real Estate Commissioner of the State of California (hereinafter referred to as Commissioner in conformity with Section 10152 of the Business and Professions Code of the State of California (hereinafter referred to as the Code) requires further proof of the honesty and truthfulness of TAKASHI TSUNODA (hereinafter referred to as respondent) in connection with his application for a real estate broker license filed on or about September 7, 1978, and pursuant thereto has instituted the within proceedings for the purpose of inquiring into respondent's qualifications for said license.

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II

William O. Kewley, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this Amended Statement of Issues.

III

In acting upon the application of respondent, the Commissioner shall consider, but shall not be limited to, the following facts:

That on or about December 19, 1974, in the Municipal Court of Palo Alto-Mountain View Judicial District, County of Santa Clara, State of California, respondent was convicted upon his plea of guilty of a violation of Section 484 of the California Penal Code (PETTY THEFT); that thereafter the Court ordered that the respondent pay a fine of TWO HUNDRED FIFTY DOLLARS (\$250), plus a SIXTY-FIVE DOLLAR (\$65) assessment penalty, and further that respondent be placed on informal probation for a period of one (1) year.

IV

That the facts as alleged in Paragraph III above, pertain to the conviction of respondent for an offense that is a crime involving moral turpitude and a crime substantially related to the qualifications, functions and duties of a real estate licensee, and pursuant to the provisions of Section 10177(b) of the Code, constitute grounds for the denial of respondent's application for a license as a real estate broker.

William O. Kewley
WILLIAM O. KEWLEY
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 4th day of January, 1979.

1 STEPHEN W. THOMAS, Counsel
2 One Hallidie Plaza
3 Suite 200
4 San Francisco, CA 94102

5 (415) 557-3220

FILED
NOV 28 1978

DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin
Roshni R. Kalidin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 - - -

11 In the Matter of the Application of)
12 TAKASHI TSUNODA,)
13 Respondent.)

No. H-4697 SF

STATEMENT OF ISSUES

14
15 I

16 The Real Estate Commissioner of the State of California
17 (hereinafter referred to as Commissioner in conformity with
18 Section 10152 of the Business and Professions Code of the State
19 of California (hereinafter referred to as the Code) requires
20 further proof of the honesty and truthfulness of TAKASHI TSUNODA
21 (hereinafter referred to as respondent) in connection with his
22 application for a real estate broker license filed on or about
23 September 7, 1978, and pursuant thereto has instituted the
24 within proceedings for the purpose of inquiring into respondent's
25 qualifications for said license.

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II

William O. Kewley, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this Statement of Issues.

III

In acting upon the application of respondent, the Commissioner shall consider, but shall not be limited to, the following facts:

That on or about December 19, 1974, in the Municipal Court of Palo Alto-Mountain View Judicial District, County of Santa Clara, State of California, respondent was convicted upon his plea of guilty of a violation of Section 484 of the California Penal Code (PETTY THEFT); that thereafter the Court ordered that the respondent pay a fine of TWO HUNDRED FIFTY DOLLARS (\$250), plus a SIXTY-FIVE DOLLAR (\$65) assessment penalty, and further that respondent be placed on informal probation for a period of one (1) year.

IV

That the facts as alleged in Paragraph III above, pertain to the conviction of respondent for an offense that is a crime involving moral turpitude, and pursuant to the provisions of Section 10177(b) of the Code, constitute grounds for the denial of respondent's application for a license as a real estate broker.

William O. Kewley
WILLIAM O. KEWLEY
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 28th day of November, 1978.