

FILED

JAN 16 2008

DEPARTMENT OF REAL ESTATE

By Jean Armo

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-5186 SF
FREDERICK ANDREW SALEM,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 16, 1983, a Decision was rendered herein revoking the real estate salesperson license of Respondent effective March 10, 1983, but granting Respondent the right to the issuance of a restricted real estate salesperson license. No restricted real estate salesperson license was ever issued to Respondent.

On April 9, 2007, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has

1 demonstrated to my satisfaction that Respondent meets the
2 requirements of law for the issuance to Respondent of an
3 unrestricted real estate salesperson license and that it would
4 not be against the public interest to issue said license to
5 Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that a real estate
8 salesperson license be issued to Respondent if Respondent
9 satisfies the following conditions within nine (9) months from
10 the date of this Order:

11 1. Submittal of a completed application and payment of
12 the fee for a real estate salesperson license.

13 2. Submittal of evidence satisfactory to the
14 Commissioner of successful completion of one qualifying college-
15 level course in Real Estate Practice and one qualifying college-
16 level course from the following list: Real Estate Appraisal,
17 Property Management, Real Estate Finance; Real Estate Economics,
18 Legal Aspects of Real Estate, Real Estate Office Administration,
19 General Accounting, Business Law, Escrows, Mortgage Loan
20 Brokering and Lending, Computer Applications in Real Estate, or
21 Common Interest Developments.

22 This Order shall be effective immediately.

23 DATED: 1-8-88

24 JEFF DAVI
25 Real Estate Commissioner
26
27

COPY

Flag

FILED
JUN 16 1995

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FREDERICK ANDREW SALEM,)
Respondent.)

No. H-5186 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On February 16, 1983, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 11, 1987, an Order was rendered herein
granting reinstatement of Respondent's real estate salesperson
license. Respondent failed to successfully complete the written
examination for a real estate salesperson license and apply for
said license within the time period allotted in the Order.

On July 26, 1993, Respondent petitioned for
reinstatement of said license and the Attorney General of the
State of California has been given notice of the filing of said
petition.

///

1 I have considered Respondent's petition and the evidence
2 and arguments in support thereof. Respondent has failed to
3 demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate salesperson license in that Respondent,
6 following the revocation of his real estate license and while
7 acting in an agency capacity, negotiated in May 1991 the sale of
8 interests in real property. Said acts include, but are not
9 limited to the following buyers:

10 Charles T. Lynch

11 Paul Brerton

12 Jack W. Skuffacher

13 Donald B. Dalton

14 Carolyn Hughes

15 By performing said acts, Respondent has violated Section
16 10130 of the Business and Professions Code.

17 Said sales constituted the sale of subdivision interests
18 within the meaning of Section 11000 et seq. of the Business and
19 Professions Code. Respondent failed to file a notice of intention
20 and application and obtain a subdivision public report prior to
21 offering said interests for sale in violation of Sections 11010
22 and 11018.2 of the Business and Professions Code.

23 Consequently, Respondent has not established
24 rehabilitation in accordance with Section 2911 of Title 10,
25 California Code of Regulations.

26 ///

27 ///

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
2 for reinstatement of his real estate salesperson license is
3 denied.

4 This Order shall be effective at 12 o'clock noon on
5 July 6th, 1995.

6 DATED: 6-13-95

7 JIM ANTT, JR.
8 Real Estate Commissioner

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FILED
SEP 29 1987

DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin
Roshni R. Kalidin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter the Accusation of) No. H-5186 SF
FREDERICK ANDREW SALEM,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 16, 1983, a Decision was rendered herein
revoking the real estate salesperson license of respondent.

On February 25, 1987, respondent petitioned for
reinstatement of said real estate salesperson license and the
Attorney General of the State of California has been given notice
of the filing of said petition.

I have considered the petition of respondent and the
evidence and arguments in support thereof. Respondent has
demonstrated to my satisfaction that he meets the requirements of
law for the issuance to him of an unrestricted real estate
salesperson license and that it would not be against the public
interest to issue said license to him.

1 NOW, THEREFORE, IT IS ORDERED that respondent's
2 petition for reinstatement is granted and that a real estate
3 salesperson license be issued to him if he satisfies the
4 following conditions within six months from the date of this
5 order:

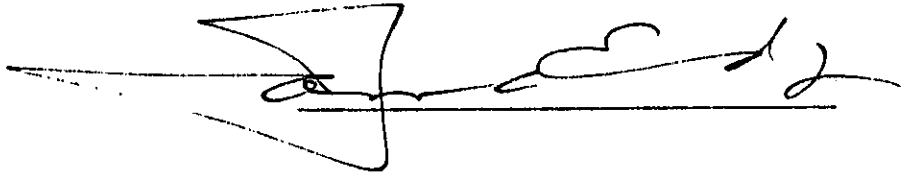
6 1. Successful completion of the written examination
7 for a real estate salesperson license.

8 2. Submittal of a completed application and payment
9 of the fee for a real estate salesperson license.

10 This Order shall be effective immediately.

11 DATED: 9-11-87

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13 JAMES A. EDMONDS, JR.
14 Real Estate Commissioner

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FILED
FEB 18 1983

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Linda M. Souza
Linda M. Souza

* * *

In the Matter of the Accusation of)
FREDERICK ANDREW SALEM,)
Respondent.)

NO. H-5186 SF
N 18685

DECISION

The Proposed Decision dated February 8, 1983, 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 with the following exception:

Condition 2(e) of the Order of the Proposed Decision is not adopted and shall not be part of the Decision.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on March 10, 1983.

IT IS SO ORDERED February 16, 1983, 1983.

DEPARTMENT OF REAL ESTATE

W. Jerome Thomas
Acting Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
FREDERICK ANDREW SALEM,)
Respondent.)
_____)

NO. H-5186 SF

N 18685

PROPOSED DECISION

This matter was heard before Robert S. Kendall, Administrative Law Judge, State of California, Office of Administrative Hearings, on December 14, 1982, at San Francisco, California.

The Department of Real Estate and the complainant were represented by Vera Winter Lee, Department Staff Counsel.

Respondent was present and was represented by Lauren R. Poplack, his counsel.

The record remained open to receive written argument from respective counsel. The last such document was received on January 25, 1983, and all such documents were marked appropriately for identification in the record. Thereupon, the matter was deemed submitted.

Accordingly, the following decision is proposed and forwarded pursuant to the provisions of Government Code section 11517:

FINDINGS OF FACT

All facts hereafter found were established by clear and convincing proof to a reasonable certainty.

I

Frederick Andrew Salem (respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code of the State of California).

II

At all times pertinent respondent had the right to late renewal of his license. Respondent's real estate salesperson license expired October 2, 1981, and respondent on the date the accusation was filed had the right to late renewal thereof. The license has since been renewed through October 26, 1986.

III

The complainant, Edward V. Chiolo, a Deputy Real Estate Commissioner of the State of California, was acting in his official capacity as such and not otherwise, when he made the accusation against respondent.

IV

On November 6, 1981, in the Superior Court of California, in and for the County of San Mateo, respondent pled guilty to and was convicted of violating section 182 of the California Penal Code (Conspiracy to Sell Cocaine), a felony, and section 11352 of the California Health and Safety Code (Sale of Cocaine), a felony.

V

a) On November 6, 1980, respondent was arrested for the sale of one pound of cocaine. He subsequently was charged and pled guilty to violation of Penal Code section 182, conspiracy to sell a controlled substance and the violation of Health and Safety Code section 11352, the sale.

b) Respondent was placed on formal probation for five years commencing in December, 1981. He was given a nine-month sentence in county jail and was in the work furlough program. Because of his exemplary behavior he was released after five months.

c) Respondent, prior to this arrest, had no arrests or problems with the law. Respondent became involved as a "middleman" because of personal financial hardship. He had a casual acquaintanceship with a person who supplied him one pound of cocaine which he transported to the actual seller. Respondent stood to recover \$1,000.00 owed him by the seller, together with "interest"; some inchoate amount of the total profit to be received by the actual seller. Respondent took no part in negotiating the sale, nor in handling the money involved.

d) Both respondent's probation officers, Walter Johnson and Kenneth Pessa, testified that respondent was fully cooperative, remorseful and that, in their opinions, there was little likelihood of recurrence of criminal behavior.

Since his arrest over two years ago, respondent testified the whole experience had a deeply chastening effect on him and that no amount of money or need would again tempt him to get involved with cocaine dealings or any other controlled substance. Respondent wishes more than ever to continue and advance in the real estate profession and recognizes what the concerns of the Commissioner would be in a matter such as this.

DETERMINATION OF ISSUES

I

The crimes to which respondent pled guilty as set out in Findings of Fact IV are felonies and crimes that involve moral turpitude, and which are substantially related to the qualifications, functions, and duties of a real estate licensee.

II

The facts as found in Findings of Fact IV and Determination of Issues I constitute grounds for disciplinary action under the provisions of sections 490, 10177(b), and 10177(f) of the Business and Professions Code of the State of California.

III

Respondent established by his testimony and the testimony of his witnesses by clear and convincing proof to a reasonable certainty that his rehabilitation, while not complete, has progressed sufficiently to a point where it is here determined that issuance to him of a restricted real estate license would not pose a threat to, or be inimical of, the public safety, welfare and interests.

ORDER

1. All respondent's licenses and license rights under the provisions of Part 1, Division 4, Business and Professions Code, are hereby revoked. However, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor, and pays to the Department of Real Estate the appropriate fee for that license, within ninety (90) days from the effective date of the Decision herein.

2. 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 that Code:

- (a) The 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) The 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 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 years have elapsed from the date of issuance of the restricted license to him.
- (d) Respondent shall submit with his application for license under an employing broker--or his application for transfer to a new employing broker--a statement signed by the prospective employing broker which shall certify:
 - (1) That he/she has read the Decision of the Commissioner which granted the right to a restricted license; and
 - (2) That he/she will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

not adopted (e) The restricted license may be suspended by Order of the Real Estate Commissioner pending a final determination after a hearing if the respondent fails to present evidence satisfactory to the Commissioner within six months from the effective date of the Decision of having taken and completed 45 hours of approved continuing education offerings within the four-year period immediately preceding the date on which the respondent presents such evidence to the Department.

DATED: February 8, 1983

Robert S. Kendall
ROBERT S. KENDALL
Administrative Law Judge

RSK:lhj

FILED
NOV 5 1982

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Roshni R. Kalidin
Roshni R. Kalidin

In the Matter of the Accusation of)
)
FREDERICK ANDREW SALEM)
Respondent)

No. H-5186 SF
N 18685

NOTICE OF HEARING ON ACCUSATION

(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 Real Estate at Room 2248, Office of Administrative Hearings
455 Golden Gate, San Francisco, California
on the 14th day of December, 1982, at the hour of 1:30 P.M.,
or as soon thereafter as the matter can be heard, upon the charges made in the
Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and 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 a notice of defense has not been filed by you, upon affidavits, without further notice to you.

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: November 5, 1982

E. LEE BRAZIL
REAL ESTATE COMMISSIONER

By Vera Winter Lee
Attorney
VERA WINTER LEE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY - 4 1982

DEPARTMENT OF REAL ESTATE

By Linda M. Souza
Linda M. Souza

In the Matter of the Accusation of)
FREDERICK ANDREW SALEM,)
Respondent)

No. H-5186 SF
N 18685

NOTICE OF HEARING ON ACCUSATION

(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 Real Estate at State Building, 455 Golden Gate, Room 2248, San Francisco, CA on the 13th day of September, 1982, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and 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 a notice of defense has not been filed by you, upon affidavits, without further notice to you.

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: May 4, 1982

E. LEE BRAZIL
REAL ESTATE COMMISSIONER

By Vera Winter Lee
Attorney

VERA WINTER LEE

1 VERA WINTER LEE, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 5816
4 San Francisco, California 94107
5 Telephone: (415) 557-3220

FILED
FEB 5 - 1982

DEPARTMENT OF REAL ESTATE

By Ginda M. Souza
Ginda M. Souza

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-5186 SF
12 FREDERICK ANDREW SALEM,)
13 Respondent.)
14

15 The complainant, EDWARD V. CHIOLO, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 accusation against FREDERICK ANDREW SALEM, is informed and
18 alleges as follows:

19 I

20 That FREDERICK ANDREW SALEM (hereinafter referred to
21 as respondent) is presently licensed and/or has license rights
22 under the Real Estate Law (Part 1 of Division 4 of the Business
23 and Professions Code of the State of California).

24 II

25 That at all times herein mentioned respondent had
26 the right to late renewal of his license. That said real
27 estate salesperson license expired October 2, 1981, and

1 respondent now has the right to late renewal thereof.

2 III

3 That the complainant, EDWARD V. CHIOLO, a Deputy
4 Real Estate Commissioner of the State of California, acting in
5 his official capacity as such and not otherwise, makes this
6 accusation against respondent.

7 IV

8 That on or about November 6, 1981, in the Superior
9 Court of California, in and for the County of San Mateo,
10 respondent pled guilty to and was convicted of violating Section
11 182 of the California Penal Code (CONSPIRACY TO SELL COCAINE),
12 a felony, and Section 11352 of the California Health and Safety
13 Code (SALE OF COCAINE), a felony.

14 V

15 That the crimes to which respondent pled guilty as
16 alleged in Paragraph IV above, are felonies and crimes that
17 involve moral turpitude, and which are substantially related
18 to the qualifications, functions, and duties of a real estate
19 licensee.

20 VI

21 That the facts as alleged in Paragraphs IV and V
22 above constitute grounds for disciplinary action under the
23 provisions of Sections 490, 10177(b), and 10177(f) of the
24 Business and Professions Code of the State of California.

25 WHEREFORE, complainant prays that a hearing be
26 conducted on the allegations of this Accusation and that upon
27 proof thereof, a decision be rendered imposing disciplinary

1 action against all licenses and license rights of respondent
2 under the Real Estate Law (Part 1 of Division 4 of the Business
3 and Professions Code) and for such other and further relief
4 as may be proper under other applicable provisions of Law.
5

6 *Edward V. ChioLO*
7

8 EDWARD V. CHIOLO
9 Deputy Real Estate Commissioner

10 Dated at San Francisco, California
11 this 5th day of February, 1982.
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