

FILED
MAY 27 1998

DEPARTMENT OF REAL ESTATE

Shelly Ely

TO: FLAG SECTION
FROM: SACTO. LEGAL

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-5371 SF
HAROLD JOSEPH HUTCHENS,)	
)	
Respondent.)	
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ORDER GRANTING REINSTATEMENT OF LICENSE

On May 15, 1984, a Decision was rendered herein revoking the real estate broker license of Respondent but granting Respondent the right to apply for a restricted real estate broker license upon terms and conditions. A restricted real estate broker license was issued to Respondent on June 5, 1984, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On September 23, 1997, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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I have considered the petition of Respondent and the evidence and arguments 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 broker 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 reinstatement is granted and that a real estate broker license be issued to Respondent if Respondent satisfies the following conditions within six months from the date of this Order:

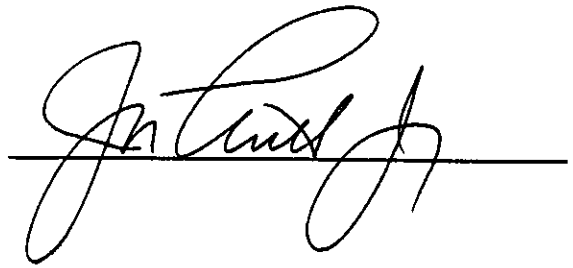
1. Submittal of a completed application and payment of the fee for a real estate broker license.

2. Submittal of evidence of having, since the most recent issuance of an original or renewal real estate license, 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 be effective immediately.

DATED: 5/18, 1998.

JIM ANTT, JR.
Real Estate Commissioner



1 demonstrate to my satisfaction that Respondent has undergone
2 sufficient rehabilitation to warrant the reinstatement of
3 Respondent's real estate broker license, in that Respondent, while
4 acting as the designated broker officer of AHL Incorporated, was
5 found by an audit conducted by the Department of Real Estate to
6 have engaged in violations of the Real Estate Law and the
7 Regulations of the Real Estate Commissioner relating to the
8 handling of trust funds. Specifically, Respondent failed to
9 deposit and maintain trust funds in a bank trust fund account in
10 the name of AHL Incorporated as trustee in such a manner that as
11 of February 28, 1993, there was a shortage of \$846.13 of trust
12 funds in said account. Respondent further failed to cause AHL
13 Incorporated to keep trust fund records in accordance with
14 Sections 2831 and 2831.1 of the Regulations of the Real Estate
15 Commissioner.

16 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
17 for reinstatement of his real estate broker license is denied.

18 This Order shall become effective at 12 o'clock
19 noon on October 25th, 1993.

20 DATED: 9/28/93

21 CLARK WALLACE
22 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
of:)	NO. H-5371 SF
)
HAROLD JOSEPH HUTCHENS,)	OAH NO. N 22242
)
)
Respondent.)	
_____)	

PROPOSED DECISION

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, on May 1, 1984, in San Francisco, California.

Vera Winter Lee, Counsel, represented the Department of Real Estate.

There was no appearance by or on behalf of respondent Harold Joseph Hutchens. However, a written stipulation signed by respondent, his attorney Steven R. Landes, 506 15th Street, Second Floor, Oakland, California 94612, and counsel for the Department was received in evidence as Exhibit 2.

Based solely upon the foregoing stipulation, the following decision is proposed and recommended for adoption:

FINDINGS OF FACT

I

Norman G. Catalano made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Harold Joseph Hutchens ("respondent") is presently licensed and/or has licensing rights under the Real Estate Law

(Part 1 of Division 4 of the Business and Professions Code of the State of California). At all times mentioned, respondent was licensed by the Department of Real Estate as a real estate broker. Respondent's license is scheduled to expire on February 25, 1986.

III

On or about September 2, 1983, in the Municipal Court of California, County of Contra Costa, Bay Judicial District, respondent pled guilty to and was convicted of violating California Penal Code section 153(2) (Knowingly concealing a crime for consideration), a misdemeanor and a crime involving moral turpitude and which is substantially related to the qualifications, functions, and duties of a real estate licensee.

DETERMINATION OF ISSUES

By reason of the matters set forth in Finding III, cause for disciplinary action against respondent exists pursuant to Business and Professions Code sections 490, 10177(b) and 10177(f).

ORDER

1. The real estate broker license of respondent is revoked.
2. A restricted real estate broker license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if he makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within one hundred fifty (150) days from the effective date of this Decision.
3. 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 imposed under authority of Section 10156.6 of said 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 the provisions of the California Real Estate Law, the

Subdivided Lands Law, Regulations of the Real Estate Commissioner and conditions attaching to the restricted license; and

- (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 one year has elapsed from the date of issuance of the restricted license to respondent.

4. Should this proposed decision not be adopted by the Commissioner, the stipulation entered into by the parties shall be considered void and respondent shall be entitled to a full hearing on the merits of the Accusation.

DATED: May 4, 1984

Michael C Cohn
MICHAEL C. COHN
Administrative Law Judge

MCC:rem

FILED
MAR 20 1984

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
HAROLD JOSEPH HUTCHENS,
Respondent(s)

Case No. H-5371 SF
Your No. N 22242

CONTINUED
NOTICE OF/HEARING ON ACCUSATION

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, Room 2248
455 Golden Gate, San Francisco, California 94102
on the 1st day of May, 1984, at the hour of 1:30 p.m. (2 hour hearing)
or as soon thereafter as the matter can be heard, upon the charges made in the Accusation 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 to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any 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: March 20, 1984

DEPARTMENT OF REAL ESTATE
By Vera Winter Lee
VERA WINTER LEE, Counsel

COPY

FILED
JAN 25 1984

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Mary A. Morfelle
Mary A. Morfelle

In the Matter of the Accusation of)
HAROLD JOSEPH HUTCHENS)
Respondent(s)

Case No. H-5371 SF
N 22242

NOTICE OF HEARING ON ACCUSATION

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, State Building, 455 Golden Gate Avenue, Room 2248, San Francisco, California on the 27th day of February, 1984, at the hour of 9:00 A.M., ^{Two Hour Hearing} or as soon thereafter as the matter can be heard, upon the charges made in the Accusation 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 to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any 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: January 25, 1984

DEPARTMENT OF REAL ESTATE
BY Vera Winter Lee
VERA WINTER LEE Counsel

1 VERA WINTER LEE, Counsel
2 DEPARTMENT OF REAL ESTATE
3 185 Berry Street, Room 5816
4 San Francisco, CA 94107
5
6 (415) 557-3220
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FILED
DEC 14 1983
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 Accusation of) No. H-5371 SF
12 HAROLD JOSEPH HUTCHENS,) ACCUSATION
13 Respondent.)
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15 The complainant, NORMAN G. CATALANO, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 accusation against HAROLD JOSEPH HUTCHENS, is informed and
18 alleges as follows:

19 I

20 That HAROLD JOSEPH HUTCHENS (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 was
26 licensed by the Department of Real Estate of the State of
27 California as a real estate broker. That said real estate

1 license will expire on February 25, 1986.

2 III

3 That the complainant, NORMAN G. CATALANO, 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 September 2, 1983, in the Municipal
9 Court of California, County of Contra Costa, Bay Judicial
10 District, respondent pled guilty to and was convicted of
11 violating Section 153(2) of the California Penal Code (KNOWINGLY
12 CONCEALING A CRIME FOR CONSIDERATION), a misdemeanor.

13 V

14 That the crime to which respondent pled guilty, as
15 alleged in Paragraph IV above, is a crime that involves moral
16 turpitude, and which is substantially related to the qualifica-
17 tions, functions, and duties of a real estate licensee.

18 VI

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

23 * * * * *

24 WHEREFORE, complainant prays that a hearing be
25 conducted on the allegations of this Accusation and that upon
26 proof thereof, a decision be rendered imposing disciplinary
27 action against all licenses and license rights of respondent

1 under the Real Estate Law (Part 1 of Division 4 of the Business
2 and Professions Code) and for such other and further relief as
3 may be proper under other applicable provisions of law.

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NORMAN G. CATALANO
Deputy Real Estate Commissioner

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10 Dated at San Francisco, California

11 this 14th day of December, 1983.

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