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FILED
DEC 10 1986
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 Accusation of)	No. H-5515 SF
RONALD E. SCHACHER,)	N 24807
Respondent.)	

DECISION

On June 23, 1986, a Decision was rendered herein revoking the real estate salesperson license of respondent.

On or about July 14, 1986, respondent petitioned the Superior Court of the State of California in and for the County of Santa Clara, in Case No. 607082 for a Writ of Mandamus commanding the Real Estate Commissioner to set aside the Decision of June 23, 1986, revoking respondent's real estate salesperson license!

On September 24, 1986, Judgment was entered by the Santa Clara Superior Court in Case No. 607082 ordering that a Writ of Mandate issue commanding the Commissioner to set aside his Decision and Order dated June 23, 1986 and remanding said

1 matter to the Commissioner for reconsideration in light of said
2 Court's Order.

3 NOW, THEREFORE, in accordance with the Judgment of the
4 Santa Clara County Superior Court entered on September 24, 1986,
5 the Decision herein of June 23, 1986 is set aside and the
6 following shall constitute the Decision of the Real Estate
7 Commissioner in this matter:

8 FINDINGS OF FACT

9 I

10 Ronald Edwin Schacher (respondent) is currently
11 licensed and has license rights under the Real Estate Law (Part
12 1, Division 4, Business and Professions Code) of the State of
13 California (hereinafter the Code).

14 II

15 At all times herein mentioned, respondent was licensed
16 by the Department of Real Estate of the State of California as a
17 real estate salesperson. This license will expire on May 3,
18 1988.

19 III

20 On September 12, 1984, in the United States District
21 Court, Northern District of California, San Jose Division,
22 respondent was convicted of violating Title 7, United States
23 Code, Section 222 and Title 15, United States Code, Section 50
24 (False and Fictitious Entries on Records), a felony, upon his
25 plea of Guilty.

26 / / / / /

27 / / / / /

IV

1
2 Respondent was committed to jail for three years with
3 all but sixty days suspended and placed on probation for a period
4 of five years following his release from incarceration. In
5 addition, respondent was ordered to perform five hundred hours of
6 community service.

V

7
8 The facts surrounding respondent's conviction are as
9 follows:

10 a) Respondent had worked for a wholesale meat company
11 in Michigan for approximately eleven years. Because of his
12 educational background, respondent was responsible for creating
13 and building up a beef division specializing in packaging and
14 cryovacking meat. In 1980, respondent received an offer to join
15 a meat supplier. He was to move to northern California and
16 become president of a new company in which he held forty-nine
17 percent of the shares.

18 b) After his move to California, respondent found it
19 difficult to achieve the sales goals set by his partners. He
20 thereafter succumbed to a scheme whereby he would falsify the
21 weights on packages of meat shipped to a major retail grocery
22 chain. Respondent engaged in such conduct for approximately two
23 months, resulting in approximately \$120,000 of overpayments before
24 the scheme unravelled.

VI

25
26 Respondent avers that he agreed to engage in this
27 conduct because of business and personal financial pressures.

1 Respondent cooperated with the investigation of his activities.
2 Following his conviction, he was admitted to a work furlough
3 program. He has been employed as a licensed salesperson in the
4 Santa Cruz area and is highly regarded as an employee. He has
5 suffered no known prior disciplinary action nor any other
6 conviction.

7 VII

8 Respondent is thirty-eight years old, married and the
9 father of four children ages five through ten. His wife is a
10 homemaker. Respondent's employer is aware of his conviction.
11 Respondent expressed sincere remorse for his conduct. The victim
12 was reimbursed for its overpayments. Respondent is currently on
13 probation and files a monthly report with his probation officer.
14 He has not yet begun his community service but expects to start
15 after Thanksgiving 1985.

16 VIII

17 Official Notice is taken of Section 2910, Title 10,
18 California Administrative Code. Given the guidelines set forth
19 therein and the fact that respondent's deceit was directly
20 related to his employment, it is found that respondent was
21 convicted of a crime involving moral turpitude and one which is
22 substantially related to the duties, qualifications and functions
23 of a licensed real estate salesperson.

24 DETERMINATION OF ISSUES

25 I

26 Cause for discipline exists under Sections 490,
27 10177(b) and 10177(f).

ORDER

1
2 1. The license and license rights of Ronald Edwin
3 Schächer are revoked.

4 2. A restricted real estate salesperson license shall
5 be issued to respondent, not sooner than thirty (30) days
6 following the effective date of this Decision, under the
7 provisions of Section 10156.5 of the Business and Professions
8 Code if respondent makes application therefor and pays to the
9 Department of Real Estate the appropriate fee for said license
10 within ninety (90) days from the effective date of this Decision.

11 3. The restricted license issued to respondent shall
12 be subject to all of the provisions of Section 10156.7 and to the
13 following conditions:

14 A. The restricted license may be suspended prior to
15 hearing by order of the Real Estate Commissioner
16 in the event of respondent's conviction or plea of
17 nolo contendere to a crime which bears a substan-
18 tial relation to respondent's fitness or capacity
19 as a real estate licensee.

20 B. The restricted license may be suspended prior to
21 hearing by order of the Commissioner on evidence
22 satisfactory to the Commissioner that respondent
23 has violated provisions of the California Real
24 Estate Law, the Subdivided Lands Law, Regulations
25 of the Commissioner or conditions attaching to
26 this restricted license.

27 C. Respondent shall not be eligible to apply for the

1 issuance of an unrestricted real estate license
2 nor the removal of any of the conditions of the
3 restricted license until two (2) years has elapsed
4 from the date of issuance of the restricted
5 license.

6 C. Respondent shall submit with his application for
7 license under an employing broker, or his
8 application for transfer to a new employing
9 broker, a statement signed by the prospective
10 employing broker which shall certify:

11 (i) That he has read the Decision of the

12 . Commissioner which granted the right to a
13 restricted license; and

14 (ii) That he will exercise close supervision over
15 the performance by the restricted licensee of
16 activities for which a real estate license is
17 required.

18 D. Respondent shall, within six (6) months from the
19 effective date of this Decision, present evidence
20 satisfactory to the Commissioner that he has,
21 since the most recent issuance of an original or
22 renewal real estate license, taken and
23 successfully completed the continuing education
24 requirements of Article 2.5 of Chapter 3 for
25 renewal of a real estate license. If respondent
26 fails to satisfy this condition, the Commissioner
27 may order the suspension of the restricted license

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until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing under the Administrative Procedure Act to present such evidence.

F. Respondent shall report in writing, each month following the effective date of this Decision, to the San Francisco Office of the Department of Real Estate, with regards to his performance of community service imposed on him as a special condition of probation by the United States District Court as referred to in Paragraph IV, page 3 of this Decision. Said report shall contain the number of hours of community service performed, where said performance occurred and the balance of the community service to be performed. Said report shall be due no later than the 15th day of each month following the effective date of this Decision.

This Decision shall become effective at 12 o'clock noon on December 30th, 1986.

IT IS SO ORDERED December 9, 1986.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Commissioner

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FILED
JUN 27 1986

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 Accusation of)	No. H-5515 SF
)	
RONALD E. SCHACHER,)	N 24807
)	
Respondents)	
)	

DECISION

The above-entitled matter came on for hearing before Stewart A. Judson, Administrative Law Judge of the Office of Administrative Hearings, in San Francisco, California, on November 20, 1985.

The complainant was represented in the proceeding by Joseph McGovern, Counsel, Department of Real Estate. Respondents were present at the hearing and were represented by Joseph L. Naegele, Esquire, Naegele & Naegele, 111 West St. John Street, Suite 605, San Jose, California 95113.

Evidence both oral and documentary was received, the hearing was closed and the matter was submitted for decision.

///

1 On December 5, 1985, the Administrative Law Judge
2 submitted a Proposed Decision which I then declined to adopt as
3 my decision herein. Pursuant to Section 11517(c) of the
4 Government Code of the State of California, respondent was served
5 with a copy of the Proposed Decision and with notice of my
6 determination to decide the case upon the record herein including
7 the transcript of the proceedings held on November 20, 1985, and
8 upon any written argument thereafter offered by respondent and
9 complainant.

10 Written arguments have been submitted on behalf of
11 respondent and complainant.

12 I have given careful consideration to the record in
13 this case including the transcript of proceedings of November 20,
14 1985, and the written arguments offered on behalf of respondent
15 and complainant. The following shall constitute the Decision of
16 the Real Estate Commissioner in this matter:

17 FINDINGS OF FACT

18 I

19 Ronald Edwin Schacher (respondent) is currently
20 licensed and has license rights under the Real Estate Law (Part
21 1, Division 4, Business and Professions Code) of the State of
22 California (hereinafter the Code).

23 II

24 At all times herein mentioned, respondent was licensed
25 by the Department of Real Estate of the State of California as a
26 real estate salesperson. This license will expire on May 3,
27 1988.

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III

On September 12, 1984, in the United States District Court, Northern District of California, San Jose Division, respondent was convicted of violating Title 7, United States Code, Section 222 and Title 15, United States Code, Section 50 (False and Fictitious Entries on Records), a felony, upon his plea of Guilty.

IV

Respondent was committed to jail for three years with all but sixty days suspended and placed on probation for a period of five years following his release from incarceration. In addition, respondent was ordered to perform five hundred hours of community service.

V

The facts surrounding respondent's conviction are as follows:

a) Respondent had worked for a wholesale meat company in Michigan for approximately eleven years. Because of his educational background, respondent was responsible for creating and building up a beef division specializing in packaging and cryovacking meat. In 1980, respondent received an offer to join a meat supplier. He was to move to northern California and become president of a new company in which he held forty-nine percent of the shares.

b) After his move to California, respondent found it difficult to achieve the sales goals set by his partners. He thereafter succumbed to a scheme whereby he would falsify the

1 weights on packages of meat shipped to a major retail grocery
2 chain. Respondent engaged in such conduct for approximately two
3 months resulting in approximately \$120,000 of overpayments before
4 the scheme unravelled.

5 VI

6 Respondent avers that he agreed to engage in this
7 conduct because of business and personal financial pressures.
8 Respondent cooperated with the investigation of his activities.
9 Following his conviction, he was admitted to a work furlough
10 program. He has been employed as a licensed salesperson in the
11 Santa Cruz area and is highly regarded as an employee. He has
12 suffered no known prior disciplinary action nor any other
13 conviction.

14 VII

15 Respondent is thirty-eight years old, married and the
16 father of four children ages five through ten. His wife is a
17 homemaker. Respondent's employer is aware of his conviction.
18 Respondent expressed sincere remorse for his conduct. The victim
19 was reimbursed for its overpayments. Respondent is currently on
20 probation and files a monthly report with his probation officer.
21 He has not yet begun his community service but expects to start
22 after Thanksgiving 1985.

23 VIII

24 Official Notice is taken of Section 29810, Title 10,
25 California Administrative Code. Given the guidelines set forth
26 therein and the fact that respondent's deceit was directly
27 related to his employment, it is found that respondent was

1 convicted of a crime involving moral turpitude and one which is
2 substantially related to the duties, qualifications and functions
3 of a licensed real estate salesperson.

4 DETERMINATION OF ISSUES

5 I

6 Cause for discipline exists under Sections 490,
7 10177(b) and 10177(f).

8 ORDER

9 Respondent's real estate license and license rights are
10 revoked.

11 This Decision shall become effective at 12 o'clock noon
12 on JULY 17th, 1986.

13 IT IS SO ORDERED 6-23, 1986.

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16 JAMES A. EDMONDS, JR.
17 Real Estate Commissioner
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COPY

FILED
DEC 27 1985

DEPARTMENT OF REAL ESTATE

By *Mary A. Novello*
Mary A. Novello

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
RONALD EDWIN SCHACHER,)
Respondent.)

NO. H-5515 SF
N 24807

NOTICE

TO: RONALD EDWIN SCHACHER

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 5, 1985, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 5, 1985, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on November 20, 1985, and any written argument hereafter submitted on behalf of respondent and complainant.

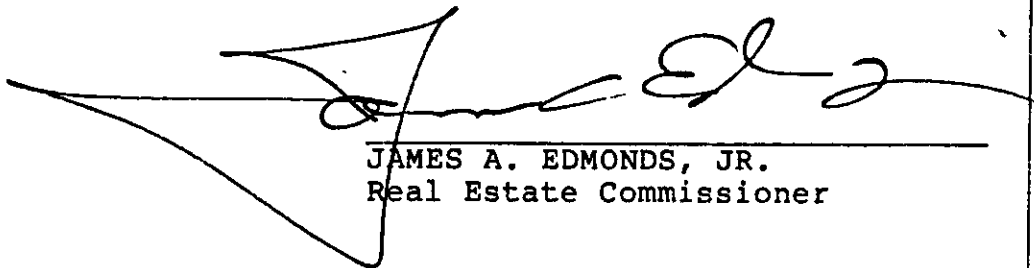
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1 Written argument of respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of November 20, 1985, at the San Francisco
4 office of the Department of Real Estate unless an extension of the
5 time is granted for good cause shown.

6 Written argument of complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 respondent at the San Francisco office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: 12-18-85

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JAMES A. EDMONDS, JR.
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 RONALD EDWIN SCHACHER,)
)
 Respondent.)
)
)
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)
)

NO. H-5515 SF
 N 24807

PROPOSED DECISION

This matter was heard before Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings, on November 20, 1985 at San Francisco, California.

The complainant was represented by J. McGovern, Counsel. Ronald Edwin Schacher was present and was represented by Joseph L. Naegele, Esq.; Naegele & Naegele; 111 West St. John Street, Suite 605, San Jose, California 95113.

FINDINGS OF FACT

I

Ronald Edwin Schacher (respondent) is currently licensed and has license rights under the Real Estate Law (Part 1, Division 4, Business and Professions Code*) of the State of California.

II

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson. This license will expire on May 3, 1988.

III

On September 12, 1984, in the United States District Court, Northern District of California, San Jose Division,

*All statutory references are to said Code unless otherwise noted.

respondent was convicted of violating Title 7, United States Code, section 222 and Title 15, United States Code, section 50 (False and Fictitious Entries on Records), a felony, upon his plea of Guilty.

IV

Respondent was committed to jail for three years with all but sixty days suspended and placed on probation for a period of five years following his release from incarceration. In addition, respondent was ordered to perform five hundred hours of community service.

V

The facts surrounding respondent's conviction are as follows:

a) Respondent had worked for a wholesale meat company in Michigan for approximately eleven years. Because of his educational background, respondent was responsible for creating and building up a beef division specializing in packaging and cryovacking meat. In 1980, respondent received an offer to join a meat supplier. He was to move to northern California and become president of a new company in which he held forty-nine percent of the shares.

b) After his move to California, respondent found it difficult to achieve the sales goals set by his partners. He thereafter succumbed to a scheme whereby he would falsify the weights on packages of meat shipped to a major retail grocery chain. Respondent engaged in such conduct for approximately two months resulting in approximately \$120,000 of overpayments before the scheme unravelled.

VI

Respondent avers that he agreed to engage in this conduct because of business and personal financial pressures. Respondent cooperated with the investigation of his activities. Following his conviction, he was admitted to a work furlough program. He has been employed as a licensed salesperson in the Santa Cruz area and is highly regarded as an employee. He has suffered no known prior disciplinary action nor any other conviction.

VII

Respondent is thirty-eight years old, married and the father of four children ages five through ten. His wife is a homemaker. Respondent's employer is aware of his conviction.

Respondent expressed sincere remorse for his conduct. The victim was reimbursed for its overpayments. Respondent is currently on probation and files a monthly report with his probation officer. He has not yet begun his community service but expects to start after Thanksgiving 1985.

VIII

Official Notice is taken of Section 2910, Title 10, California Administrative Code. Given the guidelines set forth therein and the fact that respondent's deceit was directly related to his employment, it is found that respondent was convicted of a crime involving moral turpitude and one which is substantially related to the duties, qualifications and functions of a licensed real estate salesperson.

DETERMINATION OF ISSUES

I

Cause for discipline exists under Sections 490, 10177(b) and 10177(f).

II

Issuance of a restricted license would not be contrary to the public welfare at this time.

ORDER

1. The license and license rights of Ronald Edwin Schacher are revoked.

2. A restricted real estate salesperson license shall be issued to respondent under Section 10156.5 if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) 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 and to the following conditions:

A. The restricted license may be suspended prior to hearing by the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a substantial relation to respondent's fitness or capacity as a real estate licensee.

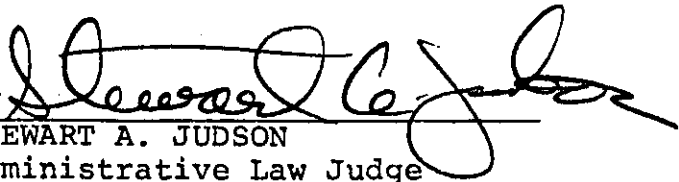
B. The restricted license may be suspended prior to hearing by order of the Commissioner on evidence satisfactory to the Commissioner that

respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the 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 of the restricted license until two (2) years has elapsed from the date of issuance of the restricted license.
- 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:
- (i) That he has read the Decision of the Commissioner which granted the right to a restricted license; and
 - (ii) That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.
- E. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Commissioner that he has, 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 for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing under the Administrative Procedure Act to present such evidence.

DATED:

December 5, 1985


STEWART A. JUDSON
Administrative Law Judge

SAJ:lhj

*not
adopted*

COPY

FILED
AUG 13 1985

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrock
C. Westbrock

In the Matter of the Accusation of
RONALD EDWIN SCHACHER,

Case No. H-5515 SF

OAH No. N 24807

Respondent(s)

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, State Building,
455 Golden Gate Avenue, Room 2248, San Francisco, CA (2 hrs.)
on the 20th day of November, 1985, 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.

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: August 13, 1985

DEPARTMENT OF REAL ESTATE

By Joseph McGovern
JOSEPH McGOVERN, Counsel

COPY

FILED
MAY 10 1985

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. W. Westbrook
G. Westbrook

In the Matter of the Accusation of
RONALD EDWIN SCHACHER,

Case No. H-5515 SF

DAH No. N 24807

Respondent(s)

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 5th day of July, 1985, at the hour of 9:00 a.m. (2 hrs.)
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: May 10, 1985

DEPARTMENT OF REAL ESTATE
By Joseph McGovern
JOSEPH McGOVERN, Counsel

COPY

FILED
APR 2 1985

DEPARTMENT OF REAL ESTATE

By C. Westbrock
C. Westbrock

1 JOSEPH McGOVERN, Counsel
2 DEPARTMENT OF REAL ESTATE
3 185 Berry Street, Room 5816
4 San Francisco, CA 94107-1770
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11 (415) 557-3220

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

11 In the Matter of the Accusation of)
12)
13 RONALD EDWIN SCHACHER,)
14)
15)
16)
17 Respondent.)
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No. H-5515 SF
ACCUSATION

15 The complainant, EDWARD V. CHIOLLO, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against RONALD EDWIN SCHACHER, is informed and alleges as follows:

18 I

19 That RONALD EDWIN SCHACHER (hereafter respondent) is
20 presently licensed and or has license rights under the Real Estate
21 Law (Part 1 of Division 4 of the Business and Professions Code).

22 II

23 That at all times herein mentioned, respondent was
24 licensed by the Department of Real Estate of the State of
25 California (hereafter the Department) as a real estate salesperson
26 that said license expires May 3, 1988.

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III

That the complainant, EDWARD V. CHILOLO, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this accusation against respondent and alleges as follows:

IV

That on or about September 12, 1984, in the United States District Court for the Northern District of California respondent entered a plea of guilty to violating Title 7 UNITED STATES CODE, Section 222, and Title 15 UNITED STATES CODE, Section 50 (False and Fictitious Entries on Records).

V

That the crime of which respondent was convicted as alleged in Paragraph IV above, is a felony and a crime involving moral turpitude and a crime which is substantially related to the qualifications, functions or duties of a real estate licensee.

VI

That the facts as alleged in Paragraphs IV and V above 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.

* * * * *

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all

/ / / / /
/ / / / /

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

Edward V. Chiolo

EDWARD V. CHILOLO
Deputy Real Estate Commissioner

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8 Dated at San Francisco, California
9 this 2nd day of April, 1985.

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