

1 evidence submitted in support thereof including his record as a
2 restricted licensee. Respondent has demonstrated to my
3 satisfaction that he meets the requirements of law for the
4 issuance to him of an unrestricted real estate salesperson
5 license and that it would not be against the public interest to
6 issue said license to him.

7 NOW, THEREFORE, IT IS ORDERED that respondent's
8 petition for removal of restrictions is granted and that a real
9 estate salesperson license be issued to him if he satisfies the
10 following conditions within six (6) months from the date of this
11 order:

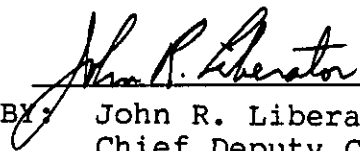
12 1. Submittal of a completed application and payment
13 of the fee for a real estate salesperson license.

14 2. Submittal of evidence of having, since the most
15 recent issuance of an original or renewal real estate license,
16 taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
18 for renewal of a real estate license.

19 This Order shall be effective immediately.

20 DATED: August 23, 1989

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23 JAMES A. EDMONDS, JR.
Real Estate Commissioner

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25 
26 BY: John R. Liberator
Chief Deputy Commissioner

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DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By C. Westbrook
C. Westbrook

- - -

In the Matter of the Application of)	
) NO. H-5780 SF	
) ROBJOHN REYNOLDS,	
) Respondent.	OAH NO. N-28180
) _____	

DECISION

The Proposed Decision dated January 13, 1987, 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 salesperson license is denied, but the right to a restricted real estate salesperson 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.

If and when application is made for a real estate salesperson 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 February 18, 1987.

IT IS SO ORDERED January 28, 1987.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

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

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application)
of:)
)
ROB JOHN REYNOLDS,) CASE NO. H-5780 SF
)
) OAH NO. N-28180
Respondent.)
_____)

PROPOSED DECISION

This matter was heard before Ruth S. Astle,
Administrative Law Judge, Office of Administrative Hearings,
State of California on January 5, 1987 at San Francisco,
California.

Complainant was represented by Deidre L. Johnson, Staff
Counsel.

The respondent was present and represented himself.

FINDINGS OF FACT

I

The Department of Real Estate of the State of California
(Department) requires further proof of the honesty and truthfulness
of Rob John Reynolds (respondent) in connection with his
application for a real estate salesperson license on July 3,
1986.

II

The Statement of Issues was made by Edward V. Chiolo in
his official capacity as Deputy Real Estate Commissioner.

III

On October 7, 1985, in the Tahoe Justice Court, County
of Placer, State of California, respondent entered a plea of
guilty to violating section 488 of the California Penal Code
(Petty Theft), a misdemeanor.

IV

The conviction set forth in Finding III is for a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate salesperson.

V

Respondent took a developed roll of film out of a store without paying for it. He thought a friend had paid. The actual incident occurred in 1981 when the respondent was 19 years old.

VI

Respondent has changed his lifestyle and become a responsible member of his community. He helps to care for his grandfather. He has met all the terms and conditions of his probation which has been successfully completed. The respondent has attended the college of San Mateo studying real estate. He has a job with Fox and Carskadon waiting for him and they are aware of his past problem and are still willing to supervise him. Respondent's involvement with the criminal justice system is extremely unlikely to happen again.

DETERMINATION OF ISSUES

I

Cause for denial exists under sections 480(a)(1) and 10177(b) of the Business and Professions Code.*

II

Respondent was convicted of a crime involving moral turpitude and which is substantially related to the duties, qualifications or functions of a real estate licensee. The evidence established that there is very little likelihood that the respondent will ever again engage in illegal activities and the issuance of a restricted license would not be contrary to the public interest at this time. The evidence established that respondent is sufficiently rehabilitated to warrant issuance of a restricted license.

ORDER

1. The application of Rob John Reynolds for issuance of a real estate license is denied.

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

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 the appropriate fee for said license within 90 days from the effective date of this decision.

- A. Said restricted license may be suspended prior to hearing by Order of the Commissioner in the event of respondent's conviction of 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 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 a restricted license until one (1) year has elapsed from the date of issuance of the restricted license to respondent.
- 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.

Dated:

January 13, 1987

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge

RSA:hrs

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrook
C. Westbrook

In the Matter of the Application of)
ROB JOHN REYNOLDS,)
Respondent)

Case No. 11-5780 SF
N 28180

NOTICE OF HEARING ON APPLICATION

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, Rm 2248, 455 Golden Gate Avenue, San Francisco, CA 94102

on the 5th day of January, 1987, at the hour of 3:00 p.m., (2 hour hearing)
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 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 based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department 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: December 3, 1986

DEPARTMENT OF REAL ESTATE

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel *ew*

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1 DEIDRE L. JOHNSON, Counsel
DEPARTMENT OF REAL ESTATE
2 185 Berry Street, Room 5816
San Francisco, CA 94107-1770
3 Telephone: (415) 557-3220
4

DEPARTMENT OF REAL ESTATE

By Mary A. Mowello
Mary A. Mowello

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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In the Matter of the Application of) NO. H-5780 SF
ROB JOHN REYNOLDS,)
Respondent.)
STATEMENT OF ISSUES

I

The Real Estate Commissioner of the State of California in conformity with Section 10152 of the Business and Professions Code of the State of California (hereafter the Code) requires further proof of the honesty, truthfulness, and qualifications of ROB JOHN REYNOLDS (hereafter respondent) in connection with his application for a real estate salesperson license filed on or about July 3, 1986, and pursuant thereto has instituted the within proceedings for the purpose of inquiring into respondent's qualifications for said license.

II

EDWARD V. CHILOLO, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as

1 such and not otherwise, makes this Statement of Issues against
2 respondent.

3 III

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

7 That on or about October 7, 1985, in the Tahoe Justice
8 Court, County of Placer, State of California, respondent entered
9 a plea of guilty to violating Section 488 of the California
10 Penal Code (PETTY THEFT), a misdemeanor.

11 IV

12 The facts as alleged in Paragraph III above pertain
13 to the conviction of respondent of a crime involving moral
14 turpitude and a crime substantially related to the qualifi-
15 cations, functions, and duties of a real estate licensee and
16 under the provisions of Sections 480(a)(1) and 10177(b) of
17 the Code constitute grounds for the denial of respondent's
18 application for a real estate salesperson license.

19 *Edward V. Chio*

20 EDWARD V. CHIOLO
21 Deputy Real Estate Commissioner

22 Dated at San Francisco, California
23 this 14th day of November, 1986.