

1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6 Telephone: (916) 227-0789

FILED
MAR 4 1998
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 RICHARD CARROLL REBOL,) NO. H-6466 SF
14 Respondent.)
15 _____)

16 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE
17 TO: RICHARD CARROLL REBOL:

18 On or about December 2, 1991, a restricted real estate
19 broker license was issued by the Department of Real Estate to
20 Respondent, and thereafter renewed, on the terms, conditions and
21 restrictions set forth in the Real Estate Commissioner's Decision
22 effective November 14, 1991, in Case No. H-6466 SF. This Decision
23 granted the right to the issuance of a restricted real estate
24 broker license subject to the provisions of Section 10156.7 of the
25 Business and Professions Code and to enumerated additional terms,
26 conditions and restrictions imposed under authority of Section
27 10156.6 of said Code.



1 On February 25, 1998, in Case No. H-7555 SF, an
2 Accusation by a Deputy Real Estate Commissioner of the State of
3 California was filed charging Respondent with violation of
4 Sections 490 and 10177(b) of the Business and Professions Code of
5 the State of California.

6 NOW, THEREFORE, IT IS ORDERED under authority of Section
7 10156.7 of the Business and Professions Code of the State of
8 California that the restricted real estate broker license
9 heretofore issued to Respondent and the exercise of any privileges
10 thereunder is hereby suspended pending final determination made
11 after the hearing on the aforesaid Accusation.

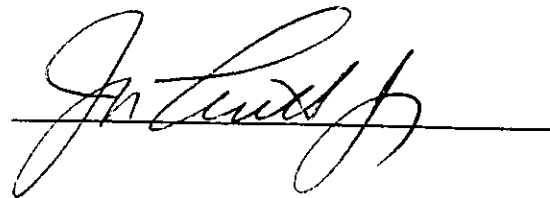
12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by Department which are in the
14 possession of Respondent be immediately surrendered by personal
15 delivery or by mailing in the enclosed, self-addressed envelope
16 to:

17 DEPARTMENT OF REAL ESTATE
18 Attn: Flag Section
19 P. O. Box 187000
20 Sacramento, CA 95818-7000

21 This Order shall be effective immediately.

22 DATED: 3/2/98

23 JIM ANTT, JR.
24 Real Estate Commissioner

25 
26
27



COPY

FILED
OCT 23 1991

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Accusation of)
)
)
 RICHARD CARROLL REBOL,)
)
)
)
 Respondent.)

By Victoria Dillon
No. H-6466 SF Victoria Dillon
OAH N38563

DECISION

The Proposed Decision dated September 23, 1991, 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 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 November 14th, 1991.

IT IS SO ORDERED October 21, 1991.

CLARK WALLACE
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 Accusation	)	
Against:	)	
	)	
RICHARD CARROLL REBOL,	)	Case No. H-6466 SF
	)	
	)	OAH No. N-38563
Respondent.	)	
	)	
	)	
	)	

PROPOSED DECISION

Robert R. Coffman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on September 12, 1991, in San Francisco, California.

John Van Driel, Staff Attorney, represented the Department of Real Estate.

Richard Carroll Rebol was present and represented himself.

FINDINGS OF FACT

I

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) as a real estate broker.

II

Edward V. Chiolo made the Accusation in his official capacity as a Deputy Real Estate Commissioner.

III

On or about July 11, 1990, in the Superior Court of the State of California, Santa Clara County, respondent was convicted of a violation of section 11351 of the Health and Safety Code (Possession of Cocaine for Sale), a felony and a crime which is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

As a result of the above conviction respondent was placed on probation for five years on conditions, including a \$250 fine, submit to drug testing, complete a drug counseling program.

The circumstances surrounding the above offense are that on April 20, 1989 respondent agreed to purchase an ounce of cocaine for \$650, with the cocaine to be divided for use between respondent and three acquaintances. After another acquaintance asked respondent to obtain another ounce for her, he purchased two ounces with intent to distribute the cocaine in such manner. He was arrested the same day before he distributed it.

V

During his first year of probation respondent underwent weekly drug testing. All tests were negative. Respondent has not used or possessed controlled substances since April 20, 1989.

Respondent successfully underwent drug counseling in 1989, primarily individual weekly therapy sessions, lasting up to two hours per session, conducted by a clinical psychologist. Following his arrest respondent also successfully completed a parent education program.

Respondent and his common law wife have a four year old son. His wife is very committed to maintaining a drug free home and a drug free environment for respondent and her son.

Respondent's reputation in his community is excellent. He is a very helpful person who goes out of his way to help others. He is honest. He routinely assists clients in his mortgage loan brokerage business to the client's financial advantage even when it results in his receiving a reduced compensation. Respondent also teaches real estate examination courses. His reputation as a teacher is similar: he is extremely helpful to others and volunteers his time to help others. Respondent is also a volunteer to several community service projects.

DETERMINATION OF ISSUES

Cause was established for discipline under sections 490 and 10177(b) of the Business and Professions Code.

Respondent has been leading a drug free life for the past two and one-half years. His drug involvement appears to be a thing of the past. Under the circumstances issuance of a restricted license would not be against the public interest.

ORDER

All licenses and licensing rights of respondent Richard Carroll Rebol under the Real Estate Law are revoked; provided,

however, a restricted real estate broker 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 the restricted license within 90 days from the effective date of this Decision. 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:

1. The restricted license issued to respondent 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 is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent 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 the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision.
4. Respondent shall, within six months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent 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 of the Real Estate Law 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 the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED:

September 23, 1991.


ROBERT R. COFFMAN
Administrative Law Judge

RRC:wc

COPY

FILED
JUL 03 1991

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Victoria Dillon
Victoria Dillon

In the Matter of the Accusation of

RICHARD CARROLL REBOL,

Case No. H-6466 SF

OAH No. N 38563

Respondent

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 94102

(2 hrs. hearing)

on the 12th day of September, 19 91, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon 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 based upon any express admission 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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 3, 1991

By

John Van Driel
JOHN VAN DRIEL, Counsel

1 JOHN VAN DRIEL, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, California 94107-1770

5 (415) 904-5917

FILED
MAR 14 1991
DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RICHARD CARROLL REBOL,)
13 Respondent.)
14 _____)

NO. H-6466 SF

ACCUSATION

15 The Complainant, EDWARD V. CHIOLO, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against RICHARD CARROLL REBOL (Respondent) is
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 California Business and Professions Code (Code) as a real estate
23 broker.

24 II

25 The Complainant, EDWARD V. CHIOLO, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation against Respondent in his official capacity.

III

On or about July 11, 1990, in the Superior Court of California, Santa Clara County, Respondent was convicted of a violation of Section 11351 (Possession of Cocaine for Sale) of the California Penal Code, a felony and a crime which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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

Edward V. Chio

EDWARD V. CHIOLO
Deputy Real Estate Commissioner

Dated at San Francisco, California

this 6th day of February, 19 91.