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FILED
JUL 26 2001

DEPARTMENT OF REAL ESTATE

By Katherine Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
)
SCOTT EVERETT PIPER,) NO. H-6998 SF
)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On March 8, 1994, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On May 10, 2000, 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 Respondent's petition and the
evidence and arguments in support thereof. Respondent has failed
to demonstrate to my satisfaction that Respondent has undergone

1 sufficient rehabilitation to warrant the reinstatement of
2 Respondent's real estate salesperson. Respondent has no
3 experience acting in a fiduciary capacity since the effective
4 date of the Decision in this matter. Consequently, Respondent is
5 not able to present any evidence of correction of practices that
6 led to the disciplinary action in this matter. Respondent,
7 therefore, has not demonstrated compliance with Section 2911(j),
8 Title 10, California Code of Regulations.

9 Further, in response to a question in the petition
10 application, "Have you ever been convicted of any violation of
11 law?", "If yes, complete item 3B below", Respondent answered
12 "Yes" and provided information about the criminal conviction
13 that served as the basis for the disciplinary action in this
14 matter. Respondent failed to disclose in his petition a
15 conviction on or about July 15, 1998, for a violation of
16 Section 23103 of the Vehicle Code and a conviction on or
17 about May 11, 1999, for a violation of Section 12951 of the
18 Vehicle Code. Consequently, Respondent has not presented
19 evidence of compliance with Sections 2911 (j) and (m) of the
20 Regulations.

21 Finally, Respondent was not scheduled to complete
22 probation on the July 15, 1998, criminal conviction until
23 July 15, 2001. Respondent, therefore, has not demonstrated
24 compliance with Section 2911(d) of the Regulations.

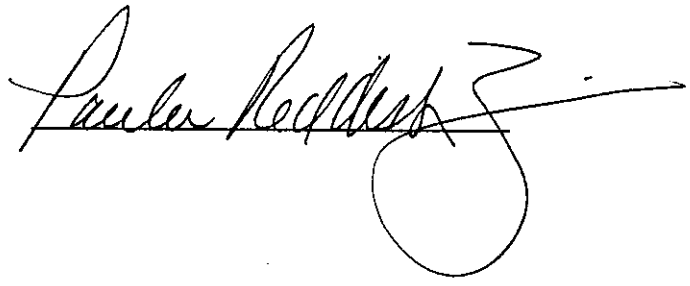
25 NOW, THEREFORE, IT IS ORDERED that Respondent's
26 petition for reinstatement of his real estate salesperson
27 license is denied.

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This Order shall be effective at 12 o'clock noon on
August 15, 2001.

DATED: July 24, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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FILED
JAN 16 1999

DEPARTMENT OF REAL ESTATE

Laurie A. Zari
By _____

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-6998 SF
SCOTT EVERETT PIPER,)	
)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On March 8, 1994, a Decision was rendered herein
revoking the real estate salesperson license of Respondent

On February 6, 1998, 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.

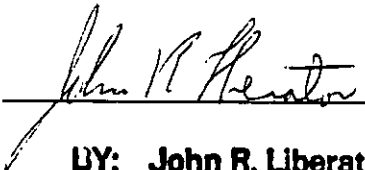
I have considered the petition of Respondent and the
evidence and arguments in support. Respondent has failed to
demonstrate to my satisfaction that Respondent has undergone
sufficient rehabilitation to warrant the reinstatement of
Respondent's real estate salesperson license, in that Respondent

1 has no experience acting in a fiduciary capacity since the
2 effective date of the Decision in this matter. Consequently,
3 Respondent is not able to present any evidence of correction of
4 practices which led to the disciplinary action in this matter.
5 Respondent, therefore, has not demonstrated compliance with
6 Section 2911(j), Title 10, California Code of Regulations.
7 Further, Respondent, while acting as a seller in a real estate
8 transaction, received a \$3,000 deposit made by the buyer, and
9 wrongfully retained the deposit. Based on the above, in my
10 judgment, additional time is required to establish that Respondent
11 is fully rehabilitated.

12 This Order shall be effective at 12 o'clock noon on
13 February 8, 1999.

14 DATED: December 18, 1998.

15 JIM ANTT, JR.
16 Real Estate Commissioner

17 
18 _____
19 BY: **John R. Liberator**
20 **Chief Deputy Commissioner**
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FILED
MAR 24 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-6998 SF
)	
SCOTT EVERETT PIPER,)	OAH N 9312002
)	
)	
Respondent.)	
_____)	

ORDER STAYING EFFECTIVE DATE

On March 8, 1994, a Decision was rendered in the above-entitled matter to become effective March 30, 1994.

IT IS HEREBY ORDERED that the effective date of the Decision of March 8, 1994, is stayed for a period of thirty (30) days.

The Decision of March 8, 1994, shall become effective at 12 o'clock noon on April 29, 1994.

DATED: March 24, 1994.

CLARK WALLACE
Real Estate Commissioner

Les R. Bettencourt
By: LES R. BETTENCOURT
Deputy Real Estate Commissioner

COPY

FILED
MAR 10 1994

BEFORE THE DEPARTMENT OF REAL ESTATE
DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

By Victoria Dillon
Victoria Dillon

In the Matter of the Accusation of)
SCOTT EVERETT PIPER,)
Respondent.)

No. H-6998 SF
OAH N 9312002

DECISION

The Proposed Decision dated February 22, 1994, 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 and knowingly making a false statement of fact required to be revealed in an application for license.

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 30, 1994.

IT IS SO ORDERED 3/8, 1994.

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	NO. H-6998 SF
)	
SCOTT EVERETT PIPER,)	OAH NO. N9312002
)	
Respondent.)	
)	

PROPOSED DECISION

Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, State of California, heard this matter on February 10, 1994, at San Francisco, California. Larry A. Alamao, Attorney in Charge, represented the Department of Real Estate. The respondent was present and was represented by James L. Crew, Attorney at Law.

FINDINGS OF FACT

I

The accusation herein was made by Les R. Bettencourt in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

On or about November 5, 1992, respondent Scott Everett Piper was arrested for the crimes of possession of, and attempt to pass, counterfeit money. On December 1, 1992, Felony Complaint No. F1404 was filed in the Justice Court of California, Colusa-Williams Judicial District, County of Colusa, charging him with violating Penal Code section 476 (MAKING, POSSESSING, UTTERING, ETC., FICTITIOUS INSTRUMENTS), a crime which is substantially related to the qualifications, functions and duties of a real estate salesperson.

III

On or about December 2, 1992, the Department of Real Estate received respondent's application for a real estate salesperson license.

IV

In response to Question 26 on the application, to wit: "Are there any criminal charges pending against you at this time?", respondent answered "No."

V

On December 31, 1992, a conditional real estate salesperson license was issued to respondent.

VI

On or about March 17, 1993, in said Case No. F1404, respondent was convicted, following his plea of nolo contendere, of violating Penal Code section 648 (MAKING, ISSUING OR CIRCULATING UNAUTHORIZED MONEY), a misdemeanor involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate salesperson. The charge of violating Penal Code section 476 was dismissed. He was placed on three years summary probation on various conditions, including 45 days in jail. He is still on probation.

VII

The circumstances of the offense were that on or about November 5, 1992, respondent made photostatic copies of a twenty-dollar bill and attempted to pass one of them.

VIII

There was no mitigation for respondent's offense or his failure to disclose on the application that criminal charges were pending against him.

IX

The evidence did not establish that respondent is sufficiently rehabilitated to warrant licensure.

DETERMINATION OF ISSUES

I

The facts set forth in Finding II and IV constitute cause for denial of respondent's application for a real estate license, under Business and Professions Code sections 498 and 10177(a).

II

The facts set forth in Finding VI constitute cause to

suspend or revoke respondent's license and license rights, under Business and Professions Code sections 490 and 10177(b).

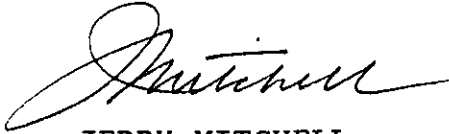
III

All competent evidence of mitigation and rehabilitation having been considered, the following order is determined to be appropriate.

ORDER

The license and license rights of Scott Everett Piper are
revoked.

DATED: February 22, 1994



JERRY MITCHELL
Administrative Law Judge
Office of Administrative Hearings

3/10/94

COPY

FILED
JAN 14 1994
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of

SCOTT EVERETT PIPER,

}

By Lynda Montiel
Lynda Montiel

Case No. H-6998 SF

OAH No. N 9312002

Respondent

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 94102

on February 10, 1994 (Thursday) (1 hour), at the hour of 1:30 pm,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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: January 14, 1994

By Larry A. Alamao/Em
LARRY A. ALAMA, Counsel

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FILED

Flag - Sac

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
DEPARTMENT OF REAL ESTATE

DEC 13 1993

In the Matter of the Accusation of

SCOTT EVERETT PIPER,

By

Victoria Dillon

Case No. H-6998 SF Victoria Dillon

OAH No. N 9312002

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

455 Golden Gate Ave., Room 2248, San Francisco, CA 94102

on January 25, 1994, (Tuesday) (1 hr. hearing) at the hour of 2:00 p.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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: December 13, 1993

By *Larry A. Alamao*
LARRY A. ALAMAO, Counsel

LR

COPY

*Inlag
sdc*

LARRY A. ALAMAO, Counsel
Department of Real Estate
185 Berry Street, Room 3400
San Francisco, California 94107-1770

FILED
NOV 03 1993

Telephone: (415) 904-5917

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
SCOTT EVERETT PIPER,)
Respondent.)

No. H- 6998 SF

ACCUSATION

The Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SCOTT EVERETT PIPER (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate salesperson subject to Section 10153.4 of the Code.

II

The Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

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III

Respondent was issued a real estate salesperson license on or about December 31, 1992, following Respondent's application therefor filed on or about December 2, 1992.

IV

In response to Question 26 of said application, to wit: "Are there any criminal charges pending against you at this time?", Respondent answered "No".

V

On or about November 5, 1992, Respondent was arrested for the crimes of possession and attempt to pass counterfeit money.

VI

On or about March 17, 1993, in the Justice Court, Colusa-Williams Judicial District, County of Colusa, State of California, Respondent was convicted of violation of Section 648 of the California Penal Code (Uttering and Passing Counterfeit Paper), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

VII


Respondent's failure to reveal the criminal charges set forth in Paragraph V above in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's

1 application for a real estate license under Sections 498 and
2 10177(a) of the California Business and Professions Code.

3 VIII

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

8 WHEREFORE, Complainant prays that a hearing be conducted
9 on the allegations of this Accusation and that upon proof thereof
10 a decision be rendered imposing disciplinary action against all
11 licenses and license rights of Respondent, under the Real Estate
12 Law (Part 1 of Division 4 of the Business and Professions Code)
13 and for such other and further relief as may be proper under other
14 provisions of law.

15
16 
17 LES R. BETTENCOURT
Deputy Real Estate Commissioner

18 Dated at San Francisco, California,
19 this 1st day of November, 1993

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