

FILED
JUN 26 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
GREGORY S. KELISKY,) NO. H-7069 SF
Respondent.) H-7699 SF

ORDER DENYING RECONSIDERATION

On April 12, 2002, an Order Denying Unrestricted License was rendered in the above-entitled matter to become effective June 27, 2002.

On May 21, 2002, Respondent petitioned for reconsideration of the Order of April 12, 2002.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of April 12, 2002, and reconsideration is hereby denied.

IT IS HEREBY ORDERED June 16, 2002.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

Paula Reddish

MAY 23 2002

By Kathleen Contreras

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DEPARTMENT OF REAL ESTATE

By Jean C. Cunniff

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
GREGORY S. KELISKY,) NO. H-7069 SF
Respondent.) H-7699 SF

ORDER DENYING UNRESTRICTED LICENSE

On May 4, 1994, an Order was rendered in Case No. H-7069 SF denying Respondent's application for a real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on July 27, 1994. On December 3, 1999, in Case No. H-7206 SF, an Order was rendered revoking the restricted real estate salesperson license of Respondent but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 13, 2000.

1 On October 22, 2001, Respondent petitioned for the
2 removal of restrictions attaching to his real estate salesperson
3 license.

4 I have considered Respondent's petition and the
5 evidence and arguments in support thereof.

6 Respondent has failed to demonstrate to my
7 satisfaction that Respondent has undergone sufficient
8 rehabilitation to warrant the removal of restrictions on
9 Respondent's real estate salesperson license. Respondent was
10 convicted on May 1, 1981, of a violation of Section 496 of the
11 California Penal Code. On January 10, 1984, Respondent was
12 convicted of a violation of Section 11351 of the California
13 Health and Safety Code. Respondent was convicted on November 27,
14 1990, of a violation of Sections 8043 and 8304 of the California
15 Fish and Game Code. Between July 26, 1998 and January 7, 1999,
16 at a time when Respondent's restricted real estate salesperson
17 license was expired, Respondent continued to perform acts for
18 which a real estate license was required. In view of the
19 foregoing history of violations, I am not satisfied that
20 Respondent has demonstrated sufficient rehabilitation to warrant
21 the removal of restrictions on Respondent's real estate
22 salesperson license. Additional time as a restricted licensee
23 without further cause for disciplinary action is needed in
24 order for Respondent to establish that he is sufficiently
25 rehabilitated in order to receive an unrestricted license.

26 ///

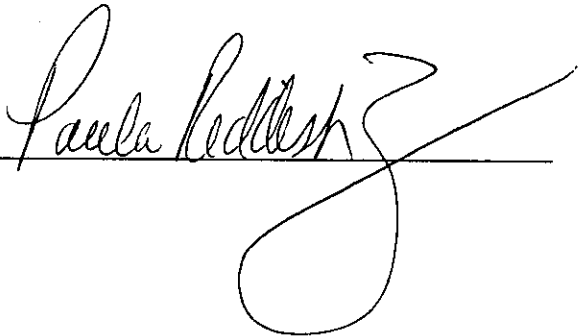
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1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for removal of restrictions on his real estate
3 salesperson license is denied.

4 This Order shall become effective at 12 o'clock
5 noon on May 28 , 2002.

6 DATED: April 12 , 2002
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8 PAULA REDDISH ZINNEMANN
9 Real Estate Commissioner

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FILED
MAY 10 1994

DEPARTMENT OF REAL ESTATE

By Laurie A. Zion

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

GREGORY S. KELISKY,

Respondent.

No. H- 7069 SF

STIPULATION AND WAIVER

I, GREGORY S. KELISKY

, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on April 25, 1994, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a restricted
14 license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

2 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted
3 license; and

4 b. That broker will carefully review all transaction documents prepared by the restricted licensee
5 and otherwise exercise close supervision over the licensee's performance of acts for which
6 a license is required.

- 7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 2 day of May, 1994

18 GREGORY S. KELISKY
19 Respondent

20 GREGORY S. KELISKY
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1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent GREGORY S. KELISKY if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 4TH day of May, 19 84

11 CLARK WALLACE
12 Real Estate Commissioner
13 Clark Wallace
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LARRY A. ALAMAO, Counsel
Department of Real Estate
185 Berry Street, Room 3400
San Francisco, California 94107-1770

FILED
APR 25 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

Telephone: (415) 904-5917

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
GREGORY S. KELISKY,)
Respondent.)

No. H-7069 SF

STATEMENT OF ISSUES

The Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against GREGORY S. KELISKY (hereinafter "Respondent"), alleges as follows:

I

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about December 9, 1993, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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II

Complainant, LES R. BETTENCOURT, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

On or about November 27, 1990, in the Municipal Court, City and County of San Francisco, State of California, Respondent was convicted of a violation of Sections 8043 (Failure to Maintain Landing Receipts), 8304 (Abalone Size Restrictions) and 8310 (Unlawful Purchase or Possession of Abalone) of the California Fish and Game Code, crimes involving moral turpitude which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

On or about January 10, 1984, in the Superior Court, County of Marin, State of California, Respondent was convicted of a violation of Sections violation of Section 11351 of the California Health and Safety Code (Possession for Sale of Controlled Substance), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V


On or about May 1, 1981, in the Municipal Court, City and County of San Francisco, State of California, Respondent was convicted of a violation of Section 496 (Receiving Stolen Property) of the California Penal Code, a crime involving moral

1 turpitude which bears a substantial relationship under Section
2 2910, Title 10, California Code of Regulations, to the
3 qualifications, functions or duties of a real estate licensee.

4 VI

5 The crimes of which Respondent was convicted, as alleged
6 in Paragraphs III, IV, and V above, constitute cause for denial of
7 Respondent's application for a real estate license under Sections
8 480(a) and 10177(b) of the California Business and Professions
9 Code.

10
11 WHEREFORE, the Complainant prays that the above-
12 entitled matter be set for hearing and, upon proof of the charges
13 contained herein, that the Commissioner refuse to authorize the
14 issuance of, and deny the issuance of, a real estate salesperson
15 license to Respondent, and for such other and further relief as
16 may be proper in the premises.

17 
18 LES R. BETTENCOURT
19 Deputy Real Estate Commissioner

20 Dated at San Francisco, California,
21 this 25th day of April, 1994.
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