

FILED
JUL 11 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
TIMOTHY PAUL RATCHFORD,)
Respondent.)

No. H-6722 SF
H-7307 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 13, 1994, in Case No. H-6722 SF, a Decision and Order was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on August 10, 1994. On July 17, 1995, in Case No. H-7307 SF, a Decision was rendered revoking the restricted real estate broker license of Respondent.

On June 18, 1998, an Order was rendered herein denying reinstatement of the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate

1 salesperson license was issued to Respondent on August 13, 1998,
2 and Respondent has operated as a restricted licensee without
3 cause for disciplinary action against Respondent since that time.

4 On July 3, 2000, Respondent petitioned for
5 reinstatement of said real estate broker license, and the
6 Attorney General of the State of California has been given notice
7 of the filing of said petition.

8 I have considered the petition of Respondent and the
9 evidence and arguments in support thereof including Respondent's
10 record as a restricted licensee. Respondent has demonstrated to
11 my satisfaction that Respondent meets the requirements of law for
12 the issuance to Respondent of an unrestricted real estate broker
13 license and that it would not be against the public interest to
14 issue said license to Respondent.

15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for reinstatement is granted and that a real estate
17 broker license be issued to Respondent if Respondent satisfies
18 the following conditions within nine months from the date of this
19 Order:

20 1. Submittal of a completed application and payment of
21 the fee for a real estate broker license.

22 2. Submittal of evidence of having, since the most
23 recent issuance of an original or renewal real estate license,
24 taken and successfully completed the continuing education
25 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
26 for renewal of a real estate license.

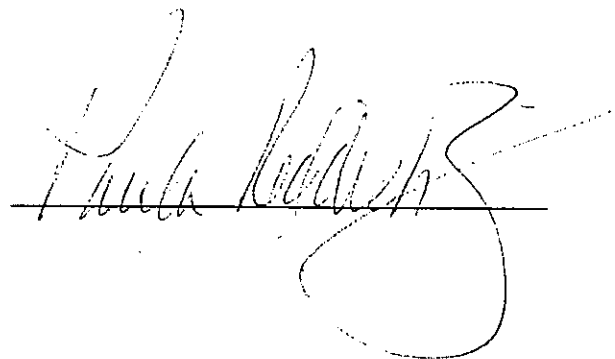
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This Order shall be effective immediately.

DATED: June 29, 2001

PAULA REDDISH ZINNEBANN
Real Estate Commissioner



13

* * *

No. H-6722 SF
H-7307 SF

1 I have considered Respondent's petition and the evidence
2 and arguments in support thereof. Respondent has failed to
3 demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license, in that Respondent has
6 failed to discharge debts in excess of \$17,800 owed to the
7 Internal Revenue Service. Respondent has entered into
8 arrangements to pay that debt but, in view of the large amount
9 still owing, I am not satisfied that Respondent is sufficiently
10 rehabilitated to receive an unrestricted real estate broker
11 license.

12 I am satisfied, however, that it will not be against the
13 public interest to issue a restricted real estate salesperson
14 license to Respondent since Respondent will have an opportunity to
15 demonstrate rehabilitation while operating under the close
16 supervision of a real estate broker.

17 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
18 for reinstatement of his real estate broker license is denied.

19 A restricted real estate salesperson license shall be
20 issued to Respondent pursuant to Section 10156.5 of the Business
21 and Professions Code, if Respondent satisfies the following
22 conditions within six (6) months from the date of this Order:

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

25 2. Submittal of evidence of having, since the most
26 recent issuance of an original or renewal real estate license,
27 taken and successfully completed the continuing education



1 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
2 for renewal of a real estate license.

3 The restricted license issued to Respondent shall be
4 subject to all of the provisions of Section 10156.7 of the
5 Business and Professions Code and to the following limitations,
6 conditions and restrictions imposed under authority of Section
7 10156.6 of that Code.

8 1. The restricted license issued to Respondent may
9 be suspended prior to hearing by Order of the Real Estate
10 Commissioner in the event of Respondent's conviction or
11 plea of nolo contendere to a crime which is substantially
12 related to Respondent's fitness or capacity as a real estate
13 licensee.

14 2. The restricted license issued to Respondent may be
15 suspended prior to hearing by Order of the Real Estate
16 Commissioner on evidence satisfactory to the Commissioner that
17 Respondent has violated provisions of the California Real Estate
18 Law, the Subdivided Lands Law, Regulations of the Real Estate
19 Commissioner or conditions attaching to the restricted license.

20 3. Respondent shall not be eligible to apply for the
21 issuance of an unrestricted real estate license nor the removal of
22 any of the limitations, conditions or restrictions of a restricted
23 license until one (1) year has elapsed from the date of the
24 issuance of the restricted license to respondent.

25 4. Respondent shall submit with any application for
26 license under an employing broker, or any application for transfer
27 to a new employing broker, a statement signed by the prospective



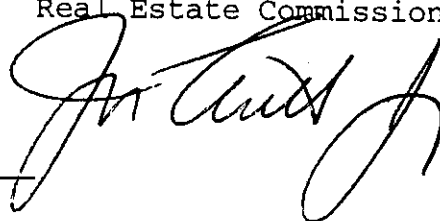
1 employing broker on a form approved by the Department of Real
2 Estate which shall certify:

- 3 a. That the employing broker has read the Decision of
4 the Commissioner which granted the right to a
5 restricted license; and
6 b. That the employing broker will exercise close
7 supervision over the performance by the restricted
8 licensee relating to activities for which a real
9 estate license is required.

10 This Order shall become effective at 12 o'clock
11 noon on July 20, 1998.

12 DATED: 6/18/98, 1998.
13

14 JIM ANTT, JR.
15 Real Estate Commissioner
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COPY

FILED
SEP 12 1996

DEPARTMENT OF REAL ESTATE

By *Synda Montiel*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
TIMOTHY PAUL RATCHFORD,)
Respondent.)

No. H-7307 SF

DECISION

The Proposed Decision dated June 12, 1996, of Steven J. Ellis, Regional Manager, Department of Real Estate, State of California, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon
on October 2nd, 1996.

IT IS SO ORDERED 8/12, 1996.

JIM ANTT, JR.
Real Estate Commissioner

Jim Antt Jr.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
TIMOTHY PAUL RATCHFORD,) NO. H- 7307 SF
Respondent.)
_____)

PROPOSED DECISION

This matter was presided over as an uncontested case by Steven J. Ellis, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in San Francisco, California on June 12, 1996, against TIMOTHY PAUL RATCHFORD.

Deidre L. Johnson, Counsel represented the Complainant.

No appearance was made by or on behalf of Respondent TIMOTHY PAUL RATCHFORD. On proof of compliance with Government Code Section 11505, the matter proceeded as a default pursuant to Government Code Section 11520.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, made this Accusation against Respondent in his official capacity and not otherwise.

II

At all times herein mentioned TIMOTHY PAUL RATCHFORD (Respondent) was and now is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code) as a restricted real estate broker.

III

Effective August 10, 1994, in Case No. H-6722 SF, before the State of California Department of Real Estate, Respondent's

real estate broker license was revoked and he was granted the right to a restricted real estate broker license for violation of Sections 10145(a) and 10232(f) of the Code, and Sections 2726, 2830 and 2832(a) of Title 10, California Code of Regulations. The restricted broker license was issued subject to the provisions of Section 10156.7 of the Code and to enumerated terms, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

IV

Included in the above terms, conditions and restrictions was the following:

Respondent shall, within nine (9) 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.

V

Respondent has failed to present evidence satisfactory to the Commissioner that he has complied with the above continuing education order within nine months of the effective date of the Decision, or thereafter to the present. On or about January 17, 1996, Respondent's restricted license was suspended.

DETERMINATION OF ISSUES

I

The facts found above constitute cause for suspension or revocation of all licenses and license rights of Respondent pursuant to Section 10177(k) of the Code.

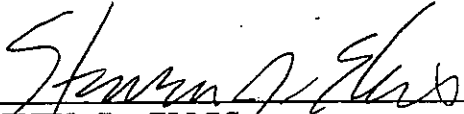
II

The standard of proof applied at the hearing was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent TIMOTHY PAUL RATCHFORD under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

DATED: 6/12/96


STEVEN J. ELLIS
Regional Manager
Department of Real Estate

COPY

FILED
JAN 17 1994

DEPARTMENT OF REAL ESTATE

By *Lynna Montiel*
Lynna Montiel

1 Department of Real Estate
185 Berry Street, Room 3400
2 San Francisco, California 94107-1770
3 Telephone: (415) 904-5917
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA
10 * * *

11 In the Matter of the Accusation of)
12 TIMOTHY PAUL RATCHFORD,)
13 Respondent.)
14

15 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

16 TO: TIMOTHY PAUL RATCHFORD

17 On or about August 10, 1994, a restricted real estate
18 broker license was issued by the Department of Real Estate to
19 Respondent on the terms, conditions and restrictions set forth in
20 the Real Estate Commissioner's Decision effective August 10, 1994,
21 in Case No. H-6722 SF. This Decision granted the right to a
22 restricted real estate broker license subject to the provisions of
23 Section 10156.7 of the Business and Professions Code, and to
24 enumerated terms, conditions and restrictions imposed under
25 authority of Section 10156.6 of the Code.

26 ///
27 ///

1 On December 29, 1995, in Case No. H-7307 SF, an
2 Accusation by a Deputy Real Estate Commissioner of the State of
3 California was filed charging Respondent with violation of Section
4 10177(k) of the Business and Professions Code of the State of
5 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:

Department of Real Estate
Attn: Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

19 This Order shall be effective immediately.

20 DATED: 1-15-96

21 JIM ANTT, JR.
22 Real Estate Commissioner

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FILED
DEC 29 1995

DEPARTMENT OF REAL ESTATE

~~Lynda Montiel~~
Lynda Montiel

Telephone: (415) 904-5917

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-7307 SF
TIMOTHY PAUL RATCHFORD,) ACCUSATION
Respondent.)

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TIMOTHY PAUL RATCHFORD (hereafter 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 Business and Professions Code, hereafter the Code) as a restricted real estate broker.

II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 Effective August 10, 1994, in Case No. H-6722 SF, before
5 the State of California Department of Real Estate, Respondent's
6 real estate broker license was revoked and Respondent was granted
7 the right to a restricted real estate broker license, subject to
8 the provisions of Section 10156.7 of the Business and Professions
9 Code and to enumerated terms, conditions and restrictions imposed
10 under authority of Section 10156.6 of the Code.

11 IV

12 Included in the above terms, conditions and restrictions
13 is the following:

14
15 Respondent shall, within nine (9) months
16 from the effective date of this Decision,
17 present evidence satisfactory to the Real Estate
18 Commissioner that Respondent has, since the most
19 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.

20 V

21 Respondent has failed to present evidence satisfactory
22 to the Commissioner that he has complied with the above continuing
23 education order within nine months of the effective date of the
24 Decision, or thereafter to the present.

25 VI

26 The facts alleged in Paragraph V above constitute cause
27 under Section 10177(k) of the Code for suspension or revocation of

1 all licenses and license rights of Respondent under the Real
2 Estate Law.

3 PRIOR DISCIPLINARY ACTION

4 Effective August 10, 1995, in Case No. H-6722 SF, the
5 Real Estate Commissioner revoked the real estate broker license of
6 Respondent and granted the right to a restricted broker license
7 pursuant to Section 10177(d) of the California Business and
8 Professions Code, for violation of Sections 10145(a) and 10232(f)
9 of the Code and Sections 2726, 2830, and 2832(a) of Title 10,
10 California Code of Regulations. .

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

18 
19 LES R. BETTENCOURT
20 Deputy Real Estate Commissioner

21 Dated at San Francisco, California
22 this 29th day of December, 1995.
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