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FILED

AUG 30 2002

DEPARTMENT OF REAL ESTATE

By *Jean Brunel*

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
DAVID COLTRIN RUEGG,)	NO. H-7410 SF
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 8, 1997, an Order was rendered herein 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 May 22, 1997.

On June 11, 2001, Respondent petitioned for reinstatement of said real estate broker 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 thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that Respondent meets the requirements of law for
3 the issuance to Respondent of an unrestricted real estate broker
4 license and that it would not be against the public interest to
5 issue said license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that a real estate
8 broker license be issued to Respondent, if Respondent satisfies
9 the following conditions within nine months from the date of this
10 Order:

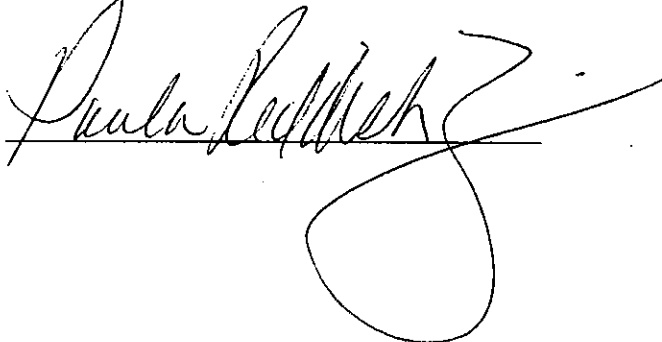
11 1. Submittal of a completed application and payment of
12 the fee for a real estate broker license.

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

18 This Order shall be effective immediately.

19 DATED: August 21, 2002.

20
21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23 
24
25
26
27

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
MAY - 2 1997
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) NO. H-7410 SF
12)
12 DAVID COLTRIN RUEGG,) STIPULATION AND
13) AGREEMENT IN
13 Respondent.) SETTLEMENT AND ORDER
14)

15 It is hereby stipulated by and between DAVID COLTRIN
16 RUEGG (hereinafter "Respondent") and his attorney, Steven B.
17 Piser, and the Complainant, acting by and through Larry A. Alamao,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on
20 November 1, 1996 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement in Settlement.

H-7410 SF

- 1 -

STIPULATION OF
DAVID COLTRIN RUEGG

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of requesting
7 a hearing on the allegations in the Accusation. Respondent hereby
8 freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that he will thereby waive his right to
10 require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that he will waive other rights afforded
13 to him in connection with the hearing such as the right to present
14 evidence in defense of the allegations in the Accusation and the
15 right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in Paragraphs I
18 through IV* of the Accusation filed in this proceeding are true and
19 correct and the Real Estate Commissioner shall not be required to
20 provide further evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as his
23 decision in this matter thereby imposing the penalty and sanctions
24 on Respondent's real estate license and license rights as set
25 forth in the below "Order". In the event that the Commissioner in
26 his discretion does not adopt the Stipulation and Agreement in
27 Settlement, it shall be void and of no effect, and Respondent

H-7410 SF

* , except to the extent that paragraph III
of said allegations characterized the offense as "a crime
involving moral turpitude" which claim respondent denies

LA
- 2 -
PCR

STIPULATION OF
DAVID COLTRIN RUEGG

1 within ninety (90) days from the effective date of this Decision.

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

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

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

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

23 4. Respondent shall, within nine (9) months from the
24 effective date of this Order, present evidence satisfactory to the
25 Real Estate Commissioner that respondent has, 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. If respondent fails to
3 satisfy this condition, the Commissioner may order the suspension
4 of the restricted license until the respondent presents such
5 evidence. The Commissioner shall afford respondent the
6 opportunity for a hearing pursuant to the Administrative Procedure
7 Act to present such evidence.

8
9 3/6/97

DATED

Larry Alamao

LARRY A. ALAMAO, Counsel
DEPARTMENT OF REAL ESTATE

11 * * *

12 I have read the Stipulation and Agreement, have
13 discussed it with my counsel, and its terms are understood by me
14 and are agreeable and acceptable to me. I understand that I am
15 waiving rights given to me by the California Administrative
16 Procedure Act (including but not limited to Sections 11506,
17 11508, 11509, and 11513 of the Government Code), and I willingly,
18 intelligently, and voluntarily waive those rights, including the
19 right of requiring the Commissioner to prove the allegations in
20 the Accusation at a hearing at which I would have the right to
21 cross-examine witnesses against me and to present evidence in
22 defense and mitigation of the charges.

23
24 3-17-97

DATED

David Coltrin Ruegg


DAVID COLTRIN RUEGG
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

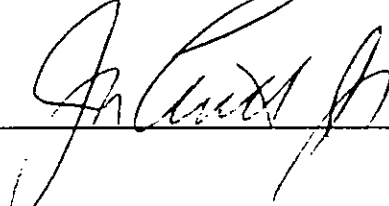
18 March 1997
DATED

STEVEN B. PISER
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
May 22, 1997.

IT IS SO ORDERED A/E, 1997.

JIM ANTT, JR.
Real Estate Commissioner



FILED
NOV 20 1996

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
Laurie A. Zier

In the Matter of the Accusation of
DAVID COLTRIN RUEGG,

}

Case No. H-7410 SF

OAH No. _____

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 the
Office of Administrative Hearings, World Savings Tower, 1970 Broadway,
Second Floor, Oakland, CA 94612

on Wednesday, March 12, 1997, at the hour of 9:00 AM,
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: November 20, 1996

By Larry Alamao
LARRY A. ALAMAO Counsel

1 JAMES L. BEAVER, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

FILED
NOV - 1 1996
DEPARTMENT OF REAL ESTATE

5 Telephone: (916) 227-0789

By *Laurie A. Zair*

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 DAVID COLTRIN RUEGG,) No. H-7410 SF
12 Respondent.) ACCUSATION
13 _____)

14 The Complainant, Les R. Bettencourt, a Deputy Real
15 Estate Commissioner of the State of California, for cause of
16 Accusation against DAVID COLTRIN RUEGG (hereinafter "Respondent"),
17 is informed and alleges as follows:

18 I

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

23 II

24 The Complainant, Les R. Bettencourt, a Deputy Real
25 Estate Commissioner of the State of California, makes this
26 Accusation against Respondent in his official capacity.

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III

On or about April 8, 1996, in the United States District Court, Eastern District of California, Case No. 95-528 EJG, Respondent was convicted of violating the Clean Air Act pursuant to Title 42, United States Code, Section 2413(c), a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

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.



LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 28th day of October, 1996.