BEFORE THE

MAY 1 7 2000

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

RICHARD ROGERS SUTHERLAND, NO. H-7762 SF

Respondent.

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 24, 2000. The findings of fact set forth herein are based on one or more of the following:

(1) Respondent's express admissions; (2) affidavits; and/or,

(3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's <u>Criteria of Rehabilitation</u> are attached hereto for the information of Respondent.

FINDINGS OF FACT

Ι

On October 20, 1999, Les R. Bettencourt made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and form for the Notice of Defense were mailed, by certified mail and regular mail, to Respondent at his last known mailing address on file with the Department on October 20, 1999.

On February 24, 2000, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent RICHARD ROGERS SUTHERLAND 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 as a designated broker officer of a real estate broker corporation. The license expired on September 4, 1999, subject to the right of late renewal thereof for two years.

III

On or about April 25, 1997, in the Superior Court of California, County of Santa Clara, Respondent was convicted of violation of California Penal Code Section 118 (PERJURY) (two counts), Section 132 (OFFERING FORGED DOCUMENT AS GENUINE), and Section 134 (FALSIFYING DOCUMENTS TO BE USED IN EVIDENCE), felonies.

IV

The evidence established that the crimes set forth in Paragraph III above involve moral turpitude, and are substantially related to the qualifications, functions, and duties of a real estate licensee.

DETERMINATION OF ISSUES

I

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

II

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

ORDER

The real estate license and license rights of Respondent RICHARD ROGERS SUTHERLAND under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

> PAULA REDDISH ZINNEMANN Real Estate Commissioner

OCT 2 0 1999

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
RICHARD ROGERS SUTHERLAND,)

DEIDRE L. JOHNSON, Counsel

Department of Real Estate

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State Bar No. 66322

P. O. Box 187000

NO. H-7762 SF

ACCUSATION

Respondent.

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RICHARD ROGERS SUTHERLAND, is informed and alleges as follows:

I

Respondent RICHARD ROGERS SUTHERLAND, 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 (hereafter Code) as a designated broker officer of a licensed corporation.

ΙI

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

Accusation against Respondent in his official capacity and not otherwise.

III

On or about April 25, 1997, in the Superior Court of California, County of Santa Clara, Respondent was convicted of violation of California Penal Code Section 118 (PERJURY) (two counts), Section 132 (OFFERING FORGED DOCUMENT AS GENUINE), and Section 134 (FALSIFYING DOCUMENTS TO BE USED IN EVIDENCE), felonies, crimes involving moral turpitude, and crimes which are substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee. On or about March 3, 1999, said conviction became final after appeal.

IV

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

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Professions Code), and for such other and further relief as may be proper under other provisions of law. Deputy Real Estate Commissioner Dated at Oakland, California, this 13th day of October

Real Estate Law (Part 1 of Division 4 of the Business and