

FILED  
OCT 03 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

In the Matter of the Application of) No. No. H-8127 SF  
MASON MITCHEL YANOWITZ, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On November 6, 2002, a Decision was rendered herein denying the Respondent's application for a real estate salesperson 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 November 19, 2002, and Respondent has operated as a restricted licensee since that time.

On November 19, 2004, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance of an unrestricted real estate salesperson license

1 and that it would not be against the public interest to issue  
2 said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's  
4 petition for removal of restrictions is granted and that a real  
5 estate salesperson license be issued to Respondent subject to the  
6 following understanding and conditions:

7 1. The license issued pursuant to this order shall be  
8 deemed to be the first renewal of Respondent's real estate  
9 salesperson license for the purpose of applying the provisions of  
10 Section 10153.4.

11 2. Within nine (9) months from the date of this order  
12 Respondent shall:

13 (a) Submit a completed application and pay the  
14 appropriate fee for a real estate salesperson license, and

15 (b) Submit evidence of having taken and successfully  
16 completed the courses specified in subdivisions (a) (1), (2), (3)  
17 and (4) of Section 10170.5 of the Real Estate Law for renewal of  
18 a real estate license.

19 3. Upon renewal of the license issued pursuant to this  
20 order, Respondent shall submit evidence of having taken and  
21 successfully completed the continuing education requirements of  
22 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
23 real estate license.

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This Order shall become effective immediately.

DATED: \_\_\_\_\_

9-1-05  
JEFF DAVI  
Real Estate Commissioner

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
NOV 16 2002

DEPARTMENT OF REAL ESTATE

By *James L. Beaver*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Application of )  
13 MASON MITCHEL YANOWITZ, ) NO. H-8127 SF  
14 Respondent. ) STIPULATION  
15 ) AND WAIVER

16 It is hereby stipulated by and between MASON MITCHEL  
17 YANOWITZ (hereinafter "Respondent") and his attorney, Herbert W.  
18 Yanowitz, and the Complainant, acting by and through James L.  
19 Beaver, Counsel for the Department of Real Estate, as follows  
20 for the purpose of settling and disposing of the First Amended  
21 Statement of Issues (herein "Statement of Issues") filed on  
22 July 12, 2002, in this matter:

23 A. Respondent acknowledges that he has received and  
24 read the Statement of Issues and the Statement to Respondent  
25 filed by the Department of Real Estate in connection with his  
26 application for a real estate salesperson license. Respondent  
27 understands that the Real Estate Commissioner may hold a hearing

1 on this Statement of Issues for the purpose of requiring further  
2 proof of Respondent's honesty and truthfulness and to prove  
3 other allegations therein, or that she may in her discretion  
4 waive the hearing and grant Respondent a restricted real estate  
5 salesperson license based upon this Stipulation and Waiver.  
6 Respondent also understands that by filing the Statement of  
7 Issues in this matter the Real Estate Commissioner is shifting  
8 the burden to Respondent to make a satisfactory showing that  
9 Respondent meets all the requirements for issuance of a real  
10 estate salesperson license. Respondent further understands that  
11 by entering into this stipulation and waiver, Respondent will be  
12 stipulating that the Real Estate Commissioner has found that  
13 Respondent has failed to make such a showing, thereby justifying  
14 the denial of the issuance to Respondent of an unrestricted real  
15 estate salesperson license.

16 B. Respondent hereby admits that the allegations of  
17 the Statement of Issues filed against Respondent are true and  
18 correct and requests that the Real Estate Commissioner in her  
19 discretion issue a restricted real estate salesperson license to  
20 Respondent under the authority of Section 10156.5 of the  
21 Business and Professions Code. Respondent further understands  
22 that any such restricted license will be issued subject to and  
23 be limited by Section 10153.4 of the Business and Professions  
24 Code.

25 C. Respondent is aware that by signing this  
26 Stipulation and Waiver, Respondent is waiving Respondent's right  
27 to a hearing and the opportunity to present evidence at the

1 hearing to establish Respondent's rehabilitation in order to  
2 obtain an unrestricted real estate salesperson license if this  
3 Stipulation and Waiver is accepted by the Real Estate  
4 Commissioner. However, Respondent is not waiving Respondent's  
5 right to a hearing and to further proceedings to obtain a  
6 restricted or unrestricted license if this Stipulation and  
7 Waiver is not accepted by the Commissioner.

8 D. Respondent further understands that the following  
9 conditions, limitations, and restrictions will attach to a  
10 restricted license issued by the Department of Real Estate  
11 pursuant hereto:

12 1. The license shall not confer any property  
13 right in the privileges to be exercised, and  
14 the Real Estate Commissioner may by  
15 appropriate order suspend the right to  
16 exercise any privileges granted under this  
17 restricted license in the event of:

- 18 a. The conviction of Respondent (including a  
19 plea of nolo contendere) to a crime which  
20 bears a substantial relationship to  
21 Respondent's fitness or capacity as a real  
22 estate licensee; or  
23 b. The receipt of evidence that Respondent has  
24 violated provisions of the California Real  
25 Estate Law, the Subdivided Lands Law,  
26 Regulations of the Real Estate

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Commissioner, or conditions attaching to  
this restricted license.

2. Respondent shall not be eligible to apply for  
the issuance of an unrestricted real estate  
license nor the removal of any of the  
conditions, limitations or restrictions  
attaching to the restricted license until two  
years have elapsed from the date of issuance  
of the restricted license to Respondent.

3. With the application for license, or with the  
application for transfer to a new employing  
broker, Respondent shall submit a statement  
signed by the prospective employing broker on  
a form approved by the Department of Real  
Estate wherein the employing broker shall  
certify as follows:

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

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

4. Respondent's restricted real estate  
salesperson license is issued subject to the

1 requirements of Section 10153.4 of the  
2 Business and Professions Code, to wit:  
3 Respondent shall, within eighteen (18) months  
4 of the issuance of the restricted license,  
5 submit evidence satisfactory to the  
6 Commissioner of successful completion, at an  
7 accredited institution, of two of the courses  
8 listed in Section 10153.2, other than real  
9 estate principles, advanced legal aspect of  
10 real estate, advanced real estate finance or  
11 advanced real estate appraisal. If Respondent  
12 fails to timely present to the Department  
13 satisfactory evidence of successful completion  
14 of the two required courses, the restricted  
15 license shall be automatically suspended  
16 effective eighteen (18) months after the date  
17 of its issuance. Said suspension shall not be  
18 lifted unless, prior to the expiration of the  
19 restricted license, Respondent shall be  
20 automatically suspended effective eighteen  
21 (18) months after the date of its issuance,  
22 Respondent has submitted the required evidence  
23 of course completion and the Commissioner has  
24 given written notice to the Respondent of  
25 lifting of the suspension.

26 5. Pursuant to Section 10154, if Respondent has  
27 not satisfied the requirements for an



1 unqualified license under Section 10153.4,  
2 Respondent shall not be entitled to renew the  
3 restricted license, and shall not be entitled  
4 to the issuance of another license which is  
5 subject to Section 10153.4 until four years  
6 after the date of the issuance of the  
7 preceding restricted license.

8  
9 10/25/02

10 DATED

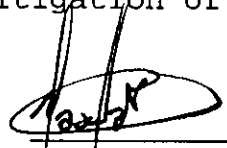
11   
12 JAMES L. BEAVER, COUNSEL  
13 DEPARTMENT OF REAL ESTATE

14 \* \* \*

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

25 10/23/02

26 DATED

27   
MASON MITCHEL YANOWITZ  
Respondent

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29 ///

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

3  
4 October 21, 2002

5 DATED

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7   
8 HERBERT W. YANOWITZ  
9 Attorney for Respondent

10 \* \* \*

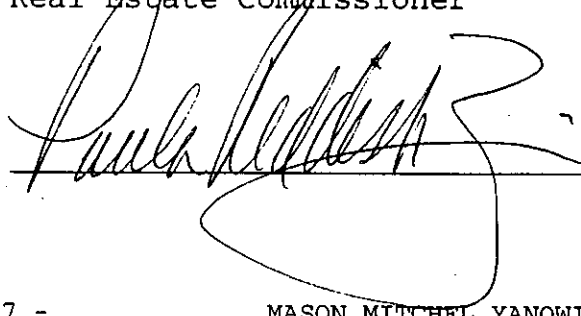
11 I have read the Statement of Issues filed herein and  
12 the foregoing Stipulation and Waiver signed by Respondent. I am  
13 satisfied that the hearing for the purpose of requiring further  
14 proof as to the honesty and truthfulness of Respondent need  
15 not be called and that it will not be inimical to the public  
16 interest to issue a restricted real estate salesperson license  
17 to Respondent.

18 Therefore, IT IS HEREBY ORDERED that a restricted real  
19 estate salesperson license be issued to Respondent, if Respondent  
20 has otherwise fulfilled all of the statutory requirements for  
21 licensure. The restricted license shall be limited, conditioned,  
22 and restricted as specified in the foregoing Stipulation and  
23 Waiver.

24 This Order is effective immediately.

25 IT IS SO ORDERED , 2002.

26 PAULA REDDISH ZINNEMANN  
27 Real Estate Commissioner



FILED

AUG 27 2002

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

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

MASON MITCHEL YANOWITZ,

Case No. H-8127 SF

OAH No. N-2002070573

*Respondent*

**FIRST AMENDED  
NOTICE OF HEARING ON APPLICATION**

***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, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **THURSDAY, NOVEMBER 21, 2002**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

*Dated:* AUGUST 27, 2002

DEPARTMENT OF REAL ESTATE

By

*James L. Beaver*  
JAMES L. BEAVER, Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED

JUL 12 2002

DEPARTMENT OF REAL ESTATE

By *Lucie L. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 MASON MITCHEL YANOWITZ, )  
13 Respondent. )

No. H-8127 SF

FIRST AMENDED  
STATEMENT OF ISSUES

14  
15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for a First  
17 Amended Statement of Issues against MASON MITCHEL YANOWITZ  
18 (hereinafter "Respondent"), alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate  
21 Commissioner of the State of California, makes this First  
22 Amended Statement of Issues in his official capacity.

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II

On or about July 2, 2001, Respondent made application to the Department of Real Estate of the State of California (hereinafter "the Department") for a real estate salesperson license 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 California Business and Professions Code (herein "the Code").

III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law? (You may omit convictions for drunk driving, reckless driving, and minor traffic citations which do not constitute a misdemeanor or felony offense.)", Respondent concealed and failed to disclose the conviction described in Paragraph V, below.

IV

On or about November 21, 1991, in the Superior Court of the State of California, County of San Francisco, Respondent was convicted of the crime of Assault With Force Likely To Produce Great Bodily Injury in violation of Penal Code Section 245(a)(1), 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.

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1 V

2 On or about September 19, 1991, in the Municipal Court  
3 of the State of California, County of San Francisco, Respondent  
4 was convicted of the crime of Receiving Known Stolen Property in  
5 violation of Penal Code Section 496.1, a misdemeanor and a crime  
6 involving moral turpitude which bears a substantial relationship  
7 under Section 2910 of the Regulations to the qualifications,  
8 functions or duties of a real estate licensee.

9 VI

10 On or about March 14, 1986, in the Superior Court of  
11 the State of California, County of San Mateo, Respondent was  
12 convicted of the crime of Selling Or Transporting A Controlled  
13 Substance in violation of Health and Safety Code Section 11352,  
14 a felony and a crime involving moral turpitude which bears a  
15 substantial relationship under Section 2910 of the Regulations  
16 to the qualifications, functions or duties of a real estate  
17 licensee.

18 VII

19 In failing to failure to reveal the conviction  
20 described in Paragraph V, above, in said application, Respondent  
21 attempted to procure a real estate license by fraud,  
22 misrepresentation, or deceit, or by making a material  
23 misstatement of fact in said application.

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VIII

Respondent's failure to reveal the conviction set forth in Paragraph V, above, in said application, as described above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the California Business and Professions Code.

IX

Respondent's criminal convictions, as described in Paragraphs IV, V and VI, above, individually and collectively constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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



LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 28TH day of June, 2002.

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

**FILED**  
JUL 16 2002

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

MASON MITCHEL YANOWITZ,

Case No. H-8127 SF

OAH No.

*Respondent*

**NOTICE OF HEARING ON APPLICATION**

*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, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **TUESDAY, SEPTEMBER 10, 2002**, at the hour of **1:30 P.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

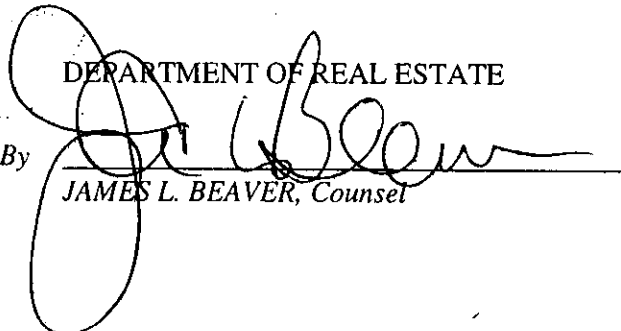
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

*Dated:* JULY 16, 2002

DEPARTMENT OF REAL ESTATE  
By   
JAMES L. BEAVER, Counsel



1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED  
JUN 10 2002

DEPARTMENT OF REAL ESTATE

By *Murriel J. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 MASON MITCHEL YANOWITZ, )  
13 Respondent. )

No. H-8127 SF

STATEMENT OF ISSUES

14  
15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against MASON MITCHEL YANOWITZ (hereinafter  
18 "Respondent"), alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about July 2, 2001, Respondent made application  
25 to the Department of Real Estate of the State of California  
26 (hereinafter "the Department") for a real estate salesperson  
27 license with the knowledge and understanding that any license

1 issued as a result of said application would be subject to the  
2 conditions of Section 10153.4 of the California Business and  
3 Professions Code (herein "the Code").

4 III

5 On or about November 21, 1991, in the Superior Court  
6 of the State of California, County of San Francisco, Respondent  
7 was convicted of the crime of Assault With A Deadly Weapon in  
8 violation of Penal Code Section 245(a)(1), a felony and a crime  
9 involving moral turpitude which bears a substantial relationship  
10 under Section 2910, Title 10, California Code of Regulations  
11 (herein "the Regulations"), to the qualifications, functions or  
12 duties of a real estate licensee.

13 IV

14 On or about September 19, 1991, in the Municipal Court  
15 of the State of California, County of San Francisco, Respondent  
16 was convicted of the crime of Receiving Known Stolen Property in  
17 violation of Penal Code Section 496.1, a misdemeanor and a crime  
18 involving moral turpitude which bears a substantial relationship  
19 under Section 2910 of the Regulations to the qualifications,  
20 functions or duties of a real estate licensee.

21 V

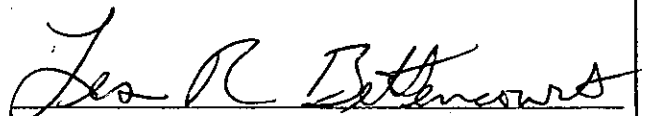
22 On or about March 14, 1986, in the Superior Court of  
23 the State of California, County of San Mateo, Respondent was  
24 convicted of the crime of Selling Or Transporting A Controlled  
25 Substance in violation of Health and Safety Code Section 11352,  
26 a felony and a crime involving moral turpitude which bears a  
27 substantial relationship under Section 2910 of the Regulations

1 to the qualifications, functions or duties of a real estate  
2 licensee.

3 VI

4 Respondent's criminal convictions, as described in  
5 Paragraphs III, IV and V, above, individually and collectively  
6 constitute cause for denial of Respondent's application for a  
7 real estate license under Sections 480(a) and 10177(b) of the  
8 California Business and Professions Code.

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

15  
16   
17 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

18 Dated at Oakland, California,  
19 this 21st day of May, 2002.