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FILED
JUL 21 2006

DEPARTMENT OF REAL ESTATE

By *Juan Rivera*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-8228 SF
JAGDISH GHELABHAI DADHANIA,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 16, 2003, a Decision was rendered herein denying 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 July 23, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On August 4, 2005, 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

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
4 salesperson license and that it would not be against the public
5 interest to issue said license to Respondent.

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

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

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

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

18 (b) Submit evidence of having taken and successfully
19 completed the courses specified in paragraphs (1) to (4)
20 inclusive of subdivision (a) of Section 10170.5 of the Real
21 Estate Law for renewal of a real estate license.

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

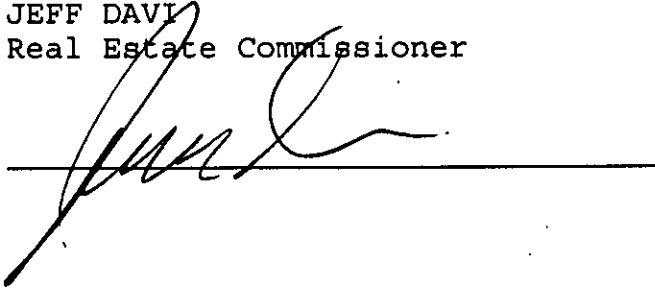
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This Order shall become effective immediately.

IT IS SO ORDERED 6-27-06, 2006.

JEFF DAVIS
Real Estate Commissioner



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FILED

JUN 07 2003

DEPARTMENT OF REAL ESTATE

By Jean [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
)	NO. H-8228 SF
JAGDISH GHELBHAI DADHANIA,)	
)	OAH No. N-20021010631
Respondent.)	

STIPULATION AND AGREEMENT
AND
DECISION AFTER REJECTION

The California Department of Real Estate ("Department") filed a Statement of Issues against JAGDISH GHELBHAI DADHANIA ("Respondent") on November 4, 2002. On February 5, 2003, a hearing was held and evidence was received, the record was closed, and the matter was submitted.

On February 14, 2003, the Proposed Decision of the Administrative Law Judge was issued, and determined, among other things, that Respondent's application of a real estate salesperson license should be denied with the right to a restricted salesperson license on various terms, conditions and restrictions.

1 On March 4, 2003, the Commissioner rejected the
2 Proposed Decision of February 14, 2003.

3 The parties wish to settle this matter without further
4 proceedings.

5 IT IS HEREBY STIPULATED by and between Respondent and
6 the Department, acting by and through Larry A. Alamao, Counsel
7 for the Department of Real Estate, as follows for the purpose of
8 settling and disposing of the Statement of Issues filed by the
9 Department.

10 1. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation and Agreement as
12 her decision in this matter, thereby imposing the penalty and
13 sanctions on Respondent's application for a real estate license
14 as set forth in the below "Decision and Order". In the event
15 the Commissioner in her discretion does not adopt the
16 Stipulation and Agreement, the Stipulation shall be void and of
17 no effect; the Commissioner will review the transcript and the
18 evidence in the case, and will issue her Decision after
19 Rejection as her Decision in this matter.

20 2. By reason of the foregoing and solely for the
21 purpose of settlement of the Statement of Issues without further
22 administrative proceedings, it is stipulated and agreed that the
23 following shall be adopted as the Commissioner's Decision:

24 FACTUAL FINDINGS

25 1. Les R. Bettencourt ("complainant") made and filed
26 this Statement of Issues in his official capacity of Deputy Real
27 Estate Commissioner of the State of California.

1 2. On April 9, 2002, Respondent made an application
2 to the Department for a real estate salesperson license.
3 Respondent's application properly disclosed that Respondent had
4 previously been convicted of a violation of the law.

5 3. On or about December 20, 1999, Respondent pled
6 guilty and was convicted of petty theft, a misdemeanor
7 violation of California Penal Code section 484/488, in the
8 Superior Court of California, County of Santa Clara, Case No.
9 C9948079.

10 4. This is a crime involving moral turpitude and is
11 substantially related to the qualifications, functions, or duties
12 of a real estate licensee as it involves the doing of an unlawful
13 act with the intent of conferring a financial or economic benefit
14 upon the perpetrator.

15 5. The underlying facts and circumstances of the
16 conviction are: On October 1, 1999, Respondent was a customer at
17 a massage parlor. While on the premises, Respondent picked up
18 and carried away a third-party's cell phone. Respondent was
19 apprehended shortly thereafter. Respondent did not use the cell
20 phone and did not incur any charges against the owner's phone
21 bill.

22 6. On December 20, 1999, Respondent was sentenced to
23 serve one day in jail, payment of fines, and two (2) years of
24 informal probation (to December 19, 2001).

25 7. As to Respondent's rehabilitation:

26 (a) Respondent served the one day of jail time and
27 paid the fines imposed by the sentence.

1 (b) Respondent successfully completed his two-year
2 probation and it was terminated in December of 2001, over two
3 years ago.

4 (c) Respondent's criminal conviction was expunged on
5 February 11, 2002, pursuant to California Penal Code section 1203.4.

6 (d) The 1999 criminal conviction is the only criminal
7 charge against or conviction of Respondent, and he has not
8 engaged in other criminal acts either prior to or subsequent to
9 the subject crime.

10 (e) Respondent is married and has a 10-year old child.
11 Respondent's parents live with him. Respondent is the primary
12 wage earner for this extended family. Respondent is a dedicated
13 husband and father and he takes his family responsibilities
14 seriously. These extended family relationships are stabilizing
15 and supporting relationships.

16 (f) Respondent is a member of his Hindu temple and
17 participates in the worship services, the community activities of
18 the temple and the good works performed by the temple members.
19 Respondent's religious belief and activities are stabilizing and
20 supporting influences in his life.

21 (g) Respondent obtained his undergraduate degree and
22 obtained his Civil Engineering Degree from San Jose State
23 University in 1993. Respondent has been gainfully employed as a
24 civil engineer for the past ten years by CalTrans and the Valley
25 Transportation Authority.

26 (h) Respondent held the position of secretary and
27 treasurer for TAEA (Transportation Engineers and Architects

1 Association) for the two years ending December 10, 2002. In that
2 position Respondent was responsible for receiving, disbursing,
3 and accounting for all TAEA finances. Respondent performed these
4 services well and honestly and was recently elected to the
5 position of Vice President of this union.

6 (i) Respondent has completed all continuing education
7 courses required for his real estate license.

8 (j) Respondent has no major outstanding and
9 overdue debts and has been gainfully employed for the past
10 ten years.

11 (k) The evidence presented supports a finding that
12 Respondent possesses a good and moral character. Respondent
13 expresses a strong intention to continue to be an honest citizen
14 who will obey all applicable laws, especially all real estate
15 laws, if he is issued a real estate license.

16 8. Respondent has demonstrated sufficient personal
17 rehabilitation that the public interest will not be threatened by
18 the issuance of a restricted real estate salesperson license to
19 Respondent.

20 LEGAL CONCLUSIONS

21 1. By reason of the matters set forth in Findings 2,
22 3, and 4, cause for denial of Respondent's salesperson license
23 exists pursuant to Business and Professions Code section 480(a)
24 and section 10177 (b) in that Respondent pled guilty to petty
25 theft, a misdemeanor crime involving moral turpitude which is
26 substantially related to the qualifications, functions, or duties
27 of a licensed real estate salesperson.

1 2. However, by reason of the matters set forth in
2 Findings 5, 6, 7, and 8, Respondent has now established his
3 personal rehabilitation to the extent that the public interest
4 is not threatened by issuance to Respondent of a restricted
5 salesperson license.

6 ORDER

7 Respondent's application for a real estate salesperson
8 license is denied; provided, however, that a restricted real
9 estate salesperson license shall be issued to Respondent pursuant
10 to section 10156.5 of the Business and Professions Code. The
11 restricted license issued to Respondent shall be subject to all
12 the provisions of section 10156.7 of the Business and Professions
13 Code and to the following limitations, conditions, and restrictions
14 imposed under authority of Section 10156.6 of that Code:

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

19 (a) The conviction of Respondent (including a plea of
20 nolo contendere) of a crime which is substantially related to
21 Respondent's fitness or capacity as a real estate licensee; or

22 (b) The receipt of evidence that Respondent has
23 violated provisions of the California Real Estate Law, the
24 Subdivided Lands Law, Regulations of the Real Estate Commissioner
25 or conditions attaching to this restricted license.

26 2. Respondent shall not be eligible to apply for the
27 issuance of an unrestricted real estate license nor the removal

1 of any of the conditions, limitations, or restrictions attaching
2 to the restricted license until two (2) years have elapsed from
3 the date of issuance of the restricted license to Respondent.

4 3. With the application for license, or with the
5 application for transfer to a new employing broker, Respondent
6 shall submit a statement signed by the prospective employing
7 real estate broker on a form RE 552 (Rev. 4/88) approved by the
8 Department of Real Estate which shall certify as follows:

9 (a) That the employing broker has read the Decision of
10 the Commissioner which is the basis for the issuance of the
11 restricted license; and

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

16
17 5/9/03

18 DATED

16
17 Larry Alamao

18 LARRY A. ALAMAO, Counsel
19 DEPARTMENT OF REAL ESTATE

19 * * *

20 I have read the Stipulation and Agreement, and its
21 terms are understood by me and are agreeable and acceptable to
22 me. I willingly and voluntarily agree to enter into this
23 Stipulation.

24
25 5/6/03

26 DATED

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25 Jadhanig

26 JAGDISH GHELBHAI DADHANIA
27 Respondent

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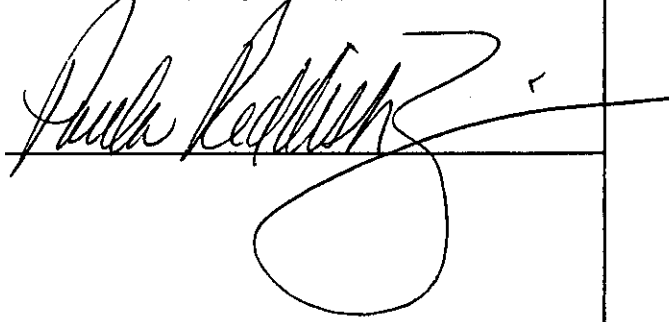
DECISION AND ORDER

The foregoing Stipulation and Agreement is hereby
adopted by the Real Estate Commissioner as her Decision and
Order.

This Decision shall become effective at 12 o'clock
noon on June 27, 2003.

IT IS SO ORDERED May 10, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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FILED
MAR 18 2003

DEPARTMENT OF REAL ESTATE

Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
JAGDISH GHELBHAI DADHANIA,)	NO. H-8228 SF
Respondent.)	OAH NO. N-20021010631

NOTICE

TO: JAGDISH GHELBHAI DADHANIA, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated February 14, 2003, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated February 14, 2003, is attached for your information.

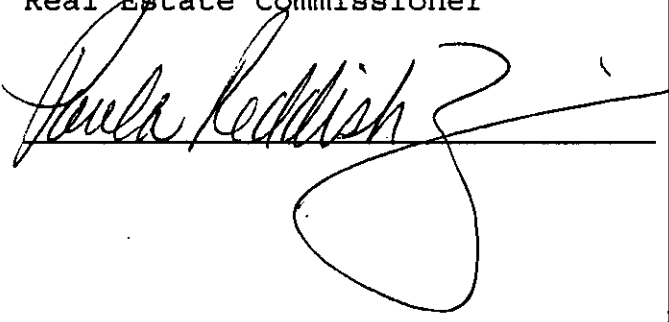
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on February 5, 2003, and any written argument hereafter submitted on behalf of Respondent JAGDISH GHELBHAI DADHANIA, and Complainant.

1 Written argument of Respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of February 5, 2003, at the Sacramento office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of Complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 Respondent at the Sacramento office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: March 4, 2003

12
13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JAGDISH GHELABHAI DADHANIA,

Respondent.

No. H-8228 SF

OAH No. N2002110631

PROPOSED DECISION

John K. Markley, Administrative Law Judge, Office of the Administrative Hearings, State of California, heard this matter on February 5, 2003, in Oakland, California.

The Department of Real Estate ("Department") was represented by Larry A. Alamao, Assistant Chief Counsel.

Jagdish Ghelabhai Dadhania, respondent, was present and represented himself.

Evidence was received, the hearing was closed and the matter was submitted on February 5, 2003.

FACTUAL FINDINGS

1. Les R. Bettencourt ("complainant") made and filed this statement of issues in his official capacity of Deputy Real Estate Commissioner of the State of California.

2. On April 9, 2002, respondent made an application to the Department for a real estate salesperson license. Respondent's application properly disclosed that respondent had previously been convicted of a violation of the law.

3. On or about December 20, 1999, respondent pled guilty and was convicted of petty theft, a misdemeanor violation of California Penal Code section 484/488, in the Superior Court of California, County of Santa Clara, Case No. C9948079.

4. This is a crime involving moral turpitude and is substantially related to the qualifications, functions or duties of a real estate licensee as it involves the doing of an

unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator.

5. The underlying facts and circumstances of the conviction are: On October 1, 1999, respondent was a customer at a massage parlor. While on the premises respondent picked up and carried away a third-party's cell phone. Respondent was apprehended shortly thereafter. Respondent did not use the cell phone and did not incur any charges against the owner's phone bill.

6. On December 20, 1999, respondent was sentenced to serve one day in jail, payment of fines and two (2) years of informal probation (to December 19, 2001).

7. As to respondent's rehabilitation:

(a) Respondent served the one day of jail time and paid the fines imposed by the sentence.

(b) Respondent successfully completed his two year probation and it was terminated in December of 2001, over two years ago.

(c) Respondent's criminal conviction was expunged on February 11, 2002, pursuant to California Penal Code section 1203.4.

(d) The 1999 criminal conviction is the only criminal charge against or conviction of respondent, and he has not engaged in other criminal acts either prior to or subsequent to the subject crime.

(e) Respondent is married and has a 10-year old child. Respondent's parents live with him. Respondent is the primary wage earner for this extended family. Respondent is a dedicated husband and father and he takes his family responsibilities seriously. These extended family relationships are stabilizing and supporting relationships.

(f) Respondent is a member of his Hindu temple and participates in the worship services, the community activities of the temple and the good works performed by the temple members. Respondent's religious belief and activities are stabilizing and supporting influences in his life.

(g) Respondent obtained his undergraduate degree and obtained his Civil Engineering Degree from San Jose State University in 1993. Respondent has been gainfully employed as a civil engineer for the past ten years by CalTrans and the Valley Transportation Authority.

(h) Respondent held the position of secretary and treasurer for TAEA (Transportation Engineers and Architects Association) for the two years ending December 10, 2002. In that position respondent was responsible for receiving, disbursing and accounting for all TAEA finances. Respondent performed these services well and honestly and was recently elected to the position of Vice President of this union.

(i) Respondent has completed all continuing education courses required for his real estate license.

(j) Respondent has no major outstanding and overdue debts and has been gainfully employed for the past ten years.

(k) The evidence presented supports a finding that respondent possesses a good and moral character. Respondent expresses a strong intention to continue to be an honest citizen who will obey all applicable laws, especially all real estate laws, if he is issued a real estate license.

8. Respondent has demonstrated sufficient personal rehabilitation that the public interest will not be threatened by the issuance of a restricted real estate salesperson license to respondent.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 2, 3 and 4, cause for denial of respondent's salesperson license exists pursuant to Business and Professions Code section 480(a) and section 10177 (b) in that respondent pled guilty to petty theft, a misdemeanor crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a licensed real estate salesperson.

2. However, by reason of the matters set forth in Findings 5, 6, 7 and 8, respondent has now established his personal rehabilitation to the extent that the public interest is not threatened by issuance to respondent of a restricted salesperson license.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, that a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent shall be subject to all the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

NOT RECAPTURED

NOT REPORTED

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

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

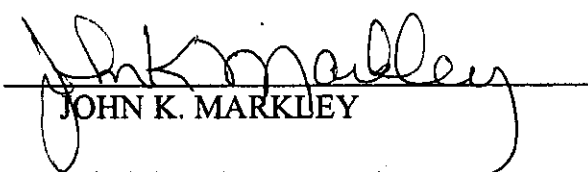
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one (1) year has elapsed from the date of issuance of the restricted license to respondent.

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 real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision of the Commissioner which is the basis for the issuance of the restricted license; and

(b) That the employing 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.

Dated: February 14, 2003


JOHN K. MARKLEY
Administrative Law Judge
Office of Administrative Hearings

FILED

**BEFORE THE DEPARTMENT OF REAL ESTATE NOV 19 2002
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Kathleen Cantor

In the Matter of the Application of

JAGDISH GHELABHAI DADHANIA,

}
}

Case No. H-8228 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
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CALIFORNIA 94612**

on **FEBRUARY 5, 2003**, at the hour of **9:00 AM**, 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.

DEPARTMENT OF REAL ESTATE

Dated: NOVEMBER 16, 2002

By Larry Alamao
LARRY A. ALAMAO, Counsel

1 DEIDRE L. JOHNSON, Counsel
SBN 66322
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
NOV - 4 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JAGDISH GHELABHAI DADHANIA,) NO. H-8228 SF
13) STATEMENT OF ISSUES
14 Respondent.)

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Statement of Issues against JAGDISH GHELABHAI DADHANIA, alleges
18 as follows:

19 I

20 JAGDISH GHELABHAI DADHANIA (hereafter Respondent) made
21 application to the Department of Real Estate of the State of
22 California for a real estate salesperson license on or about
23 April 9, 2002.

24 II

25 The Complainant, LES R. BETTENCOURT, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Statement of Issues in his official capacity and not otherwise.

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III

On or about December 20, 1999, in the Superior Court of the State of California, County of Santa Clara, San Jose Judicial District, Respondent was convicted of violation of Penal Code Section 484-488 (PETTY THEFT), a crime involving moral turpitude, and/or a crime 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.

IV

The crime of which Respondent was convicted as alleged above constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and/or 10177(b) of the California Business and Professions Code.

WHEREFORE, the 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 11th day of October, 2002.