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FILED  
AUG 16 2007

DEPARTMENT OF REAL ESTATE

By Jean Aronot

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-8412 SF  
DAVID ANTHONY GUYDISH, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On July 25, 2003, a Decision was rendered herein denying Respondent's application for a real estate broker license, 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 September 4, 2003 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On September 20, 2005, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker 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 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 removal of restrictions is granted and that a real  
8 estate broker license be issued to Respondent if, within nine (9)  
9 months from the date of this order, Respondent shall:

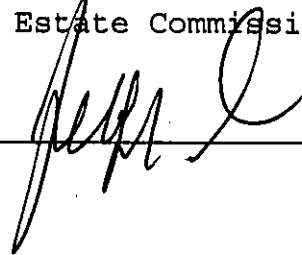
10 (a) Submit a completed application and pay the  
11 appropriate fee for a real estate broker license, and

12 (b) Submit evidence of having taken and successfully  
13 completed the continuing education requirements of Article 2.5 of  
14 Chapter 3 of the Real Estate Law for renewal of a real estate  
15 license.

16 This Order shall become effective immediately.

17 IT IS SO ORDERED 8-9-07, 2007.

18 JEFF DAVI  
19 Real Estate Commissioner

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ORIGINAL

FILED  
AUG 07 2003

DEPARTMENT OF REAL ESTATE

By Shelly Ely

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

*In the Matter of the Application of*

DAVID ANTHONY GUYDISH,

Respondent

No. H- 8412 SF

**STIPULATION AND  
WAIVER**

I, DAVID ANTHONY GUYDISH, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on May 9, 2003, in connection with my application for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate broker license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an  
2 unrestricted real estate broker license.

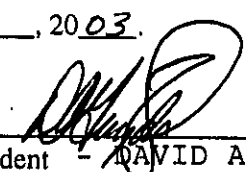
3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate broker license to  
5 me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted  
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present  
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker  
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or  
10 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a  
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised and the Real  
14 Estate Commissioner may by appropriate order suspend the right to exercise any privileges  
15 granted under this restricted license in the event of:
- 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- 18 b. The receipt of evidence that respondent has violated provisions of the California Real  
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license  
23 until two years have elapsed from the date of issuance of the restricted license to respondent.

24 DATED this 14<sup>TH</sup> day of July, 2003.

25  
26   
27 Respondent DAVID ANTHONY GULDISH

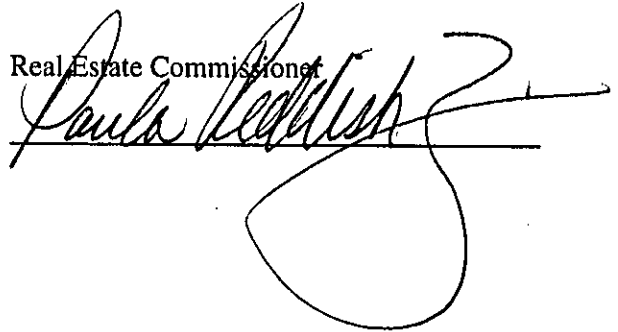
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
4 restricted real estate broker license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to  
6 respondent DAVID ANTHONY GUYDISH if respondent has otherwise fulfilled all of the statutory  
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 25<sup>th</sup> day of July, 2003

13 Real Estate Commissioner

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

**FILED**  
JUN 07 2003

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

DAVID ANTHONY GUYDISH,

By Shelly Ely

Case No. H-8412 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, ELIHU M. HARRIS BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on WEDNESDAY--JULY 16, 2003, 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 Hearing 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 are 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 for 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: JUNE 7, 2003

By David B. Seals  
DAVID B. SEALS, P.E. Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)  
7

FILED

MAY 09 2003

DEPARTMENT OF REAL ESTATE

By Jean Dumont

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

No. H- 8412 SF

12 DAVID ANTHONY GUYDISH, )

STATEMENT OF ISSUES

13 Respondent. )  
14

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

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate broker  
22 license on or about October 16, 2002.

23 II

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

27 ///

1 III

2 In response to Question 25 of said application, to wit:  
3 "Have you ever been convicted of any violation of law? If yes,  
4 complete #27 below.", Respondent answered "YES".

5 IV

6 In response to #27 which asked for a explanation of  
7 items 24 - 26 Respondent revealed the conviction discussed in  
8 Paragraph VI below.

9 V

10 On or about November 4, 1977 in the Superior Court of  
11 California, County of Santa Clara, Respondent was convicted of  
12 violation of California Penal Code Section 415(A-1) (Fighting;  
13 Noise; Offensive Words), a crime involving moral turpitude and/or  
14 which bears a substantial relationship under Section 2910, Title  
15 10, California Code of Regulations (herein "the Regulations"), to  
16 the qualifications, functions or duties of a real estate  
17 licensee.

18 VI

19 On or about November 9, 2000 in the Superior Court of  
20 California, County of Santa Cruz, Respondent was convicted of one  
21 count of violation of California Penal Code Section 136.1(b) (1)  
22 (Preventing or Dissuading From Attending or Giving Testimony) and  
23 one count of violation of California Penal Code Section 273.5(a)  
24 (Inflict Corporal Injury on Spouse or Cohabitant), both crimes  
25 involving moral turpitude and/or which bear a substantial  
26 relationship under Section 2910 of the Regulations, to the  
27 qualifications, functions or duties of a real estate licensee.

VII

Respondent's failure to reveal the conviction set forth in Paragraph V above in said application constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the Code.

VIII

The crimes of which Respondent was convicted, as alleged in Paragraphs V and VI above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the 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 broker license to Respondent, 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 Oakland, California,  
this 4th day of April, 2003.